



सत्यमेव जयते

REPORT OF THE
LIBERHAN
AYODHYA
COMMISSION
OF INQUIRY

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CHAPTER 1

INTRODUCTION

1. INTRODUCTION

1.1. For some, the temptation of power is supreme. The usual means for acquiring power is through politics. There is always an urge and quest to use politics for acquiring power and for one's own purpose – nothing matters beyond political desirable results, however achieved. In the process of acquisition of power the consequence of the process on the institution, the nation, individuals and society as a whole does not matter. Life itself becomes politicized. Objectivity or intellectual honesty or logic is lost in the process. To acquire the political power or achieve the politically desirable results, constitution, law, written or unwritten moral ethics, epics are contemptuously ignored. Healthy or legitimate process of governance is not cared for and political neutrality is lost.

1.2. The demolition of the *Ram Janambhoomi Babri Masjid* took place on sixth of December 1992 in the presence of national and local leadership. Cadres of the *Rashtriya Swayamsevak Sangh* (RSS), Bajrang Dal (BD), Vishwa Hindu Parishad (VHP), Bharatiya Janta Party (BJP) and Shiv Sena (SS) along with their leaders who were present at the spot. They either actively or passively supported the demolition. The other protagonists of the temple construction movement including preachers, *Sadhus* and *Sants*, administrative and police officers, the media and the *Karsevaks* were also present. In the process all acts were directed for or to acquire the political power and thereby achieve the politically desirable results. It was carried out in full view of the national and

international audiences, television and other media persons. The executive, political or bureaucratic, took no effective steps to stop or prevent the demolition or even to apprehend the perpetrators of the demolition.

- 1.3. A large section of the society claimed that this demolition of the disputed structure was one of the worse catastrophes for the nation, mankind, good governance, secularism and for a society governed by the rule of law. It was a defacement of the country at the international fora, an act of violence against the very fundamental rights and against the concept of reasoned argument for political change. It was one of the worse abhorrent acts of religious intolerance in the history of nation and the Hindu religion. The aftermath of demolition provoked communal riots all over the country which were witnessed with shock and disbelief. Various commissions etc. were later appointed to go into the communal aspect of the riots.
- 1.4. Various speculations were made in the context of the frequent conflicting reports that followed the demolition. The possibility of a conspiracy, domestic or foreign or political, seized the public attention, and raised questions about its extent and otherwise. All this stimulated suspicion and fuelled rumours. With such a large number of people participating from all over the country in the construction movement, either in favour of the movement or against it, it was not possible to arrive at a complete story through the normal judicial process. The nation as such, needed to find out the facts which had resulted in the dilution of the constitutional secularism, proudly claimed on the public platform by one and all. Practically it became

increasingly more desirable to find out the truth in order to prevent a similar occurrence in the future. It is the desire of humanity, believing in peaceful coexistence, to ensure that such acts are not repeated.

2. The mandate of the commission

2.1. In public interest, it was thought desirable to ascertain the truth and the facts and circumstances leading up to the events and to identify the persons responsible for demolition. The premise and conclusions of the various police or other agencies were assessed. It was considered that public interest would not be met by accepting these reports and analysis. In an affirmation of the people's right to know truthfully, the facts concerning the events, one man judicial commission consisting of a sitting Judge from Chandigarh was constituted, with its office at Lucknow in conformity with the *Commission of Enquiry Act 1952*, to enquire into the following issues:

- 2.1.1. *The sequence of events leading to, and all the facts and circumstances relating to, the occurrence in the RJBm Complex at Ayodhya on 6th December, 1992 involving the destruction of the RJBm structure;*
- 2.1.2. *The role played by the Chief Minister, Members of the Council of Ministers, officials of the Government of Uttar Pradesh and by the individuals, concerned organizations and agencies in or in connection with the destruction of the Ram Janambhoomi-Babri Masjid structure;*
- 2.1.3. *The deficiencies in the security measures and other arrangements as prescribed or operated in practice by the Government of Uttar Pradesh which might have contributed to the events that took place in the Ram Janambhoomi-Babri Masjid Complex, Ayodhya town and Faizabad on 6th December, 1992;*

2.1.4. *The sequence of events leading to, and all the facts and circumstances relating to, the assault on media persons at Ayodhya on 6th December, 1992; and*

2.1.5. *Any other matter related to the subject of inquiry.*

3. Before I present my report

3.1. Before describing and analysing the evidence and circumstances in detail in the following chapters and before setting forth the conclusions of this commission of enquiry, it may be useful to set out what are not the conclusions of this Commission.

3.2. As is evident from the questions in the terms of reference given to me, I have not been called upon, and therefore do not wish to comment upon whether the structures, as they existed in Ayodhya on the 6th of December 1992 constituted a Hindu Temple or a Muslim Mosque or any other type of structure.

3.3. I must and have declined any comment on whether or not the land in Ayodhya, a part of which witnessed the tragic events of December 6th 1992, should be converted or utilized for any particular purpose. This is strictly outside the purview of this enquiry and no part of my report ought to be used as a justification for planning the future of the land or the structures etc.

3.4. I had been charged with the responsibility of ascertaining only the events, facts and circumstances leading up to the demolition of the structures at Ayodhya and certain connected matters. Given the scope of the enquiry, the Commission was heavily dependent upon the cooperation of the State Government, the Central Government and private individuals. The state

and central intelligence agencies were both overoptimistic in their assessments and guilty of gross failure, or in the alternative they withheld crucial records and analyses from the Commission. In either case, the commission not being a detective agency, was constrained to work with the fragmented information and disinformation presented to it. The Commission as a whole has expended significant efforts on this enquiry to unravel the legal aspects of the situation. However the morality of the causes espoused by the various actors in the situation is beyond my mandate.

- 3.5. Resultantly although this report has been a long time in coming, these conclusions are presented after a meticulous enquiry into the facts and circumstances. The conclusions drawn here are fully substantiated by the evidence on the record. The collated evidence which forms part of this report is in the public domain. It would be in the fitness of things if the inevitable criticism is founded on patent evidence rather than on conjectures or hyperbole.

4. An enquiry serves many purposes

- 4.1. It is an insightful analysis of the situation emerging from the various admitted facts and undisputed circumstances. It confronts the people with reality. An enquiry is not meant to put forward sugar-coated versions, based on various theories, or multi-faceted approach to the issue.
- 4.2. Various leaders said that the issue of Ram Janambhoomi – Babri Masjid was brought on the international scene, by those leading the movement and opposing it, or those promoting it, by different parties with different philosophies and schools of thought. This enquiry is an attempt to unveil the objectives and the motivation for the demolition; to unveil the perpetrators and identify the circumstances culminating in the demolition. It is the process of establishing the facts.
- 4.3. The enquiry involves detailed analysis of what has gone wrong and why. It critically focuses upon the errant, which has been achieved by searching examinations and cross-examination.
- 4.4. The enquiry and the other related process also serves other purposes *i.e.* investigation of the causes of this public disaster and the failure of authorities to maintain proper standards of care in relation to public property, *i.e.* the disputed structure. The other object of this commission is to unveil those responsible, at the highest level of authority, for their perfidious acts

although this wider objective may or may not be wholly accomplished by setting up this commission and referring the above mentioned questions to it.

5. The magnitude and scope of the enquiry

- 5.1. Never before an effort was made to bring in within the scope of single enquiry the centuries-long developments covering an entire nation, two major communities, countless individuals, religious faiths and their followers, political and social organizations and the issue of the mixing of religion with politics. This enquiry has within its scope that, which is beyond anything that has ever been attempted by the various commission of enquiries setup, nationally or internationally.
- 5.2. The enquiry was for determining the facts of constitutional working, involvements of religion in politics, ethical and moral governance by those having a history of avowed tolerance from their very birth. A people renowned for accepting and assimilating any outside settlers of any religion or region or trend and thought. The immigrant settlers were historically not only assimilated in the mainstream of the country, but allowed to participate in governance keeping in view their numbers. It provided these new inhabitants an opportunity and clothed them with rights. Immigrant settlers were treated by the nation in keeping with the highest tradition of human freedom and human rights.
- 5.3. The commission is required to gather evidence against those organizations, individuals who have vitiated that peaceable environment, and suggest ways and means to forestall or nip in the bud, those activities before they acquire a

monstrous form, resulting in a human deluge of miseries on the citizens or the common man. This enquiry therefore, is the greatest challenge of my career.

6. The nature of the enquiry

- 6.1. It is not an adversarial trial. It is in the nature of an enquiry. Hearings, especially public hearings, have always commanded public support and the respect of history. These provide the facts and make a record available, for all of mankind to study and to determine the ways and means for idealistic governance, and provide guidance to how a citizen is expected to conduct himself, keeping in view the nation's interest.
- 6.2. The success of this commission depended upon the cooperation of the people involved in the movement, or the ones who knew of the facts or at least a part of the larger picture. It further depended upon the moral fibre and ability to admit the truth or their motivation to serve the society selflessly. Public or the leaders were expected to provide facts and circumstances without tainting them with a desire, either for their self or organization's promotion, or for hiding something from history.
- 6.3. The terms of reference required a much larger format, to consider especially the *circumstances relating to occurrence, roles played directly or in connection, facts and circumstances or any matter relating to subject of inquiry*.
- 6.4. The inquiry was instituted as a roaming and fact finding inquiry and with no restrictive mandate. I was expected to go into the allegations even of the Administration's communal or collusive participation in the demolition. I was thus required to institute a procedure for full representation in the enquiry which was inquisitorial rather than adversarial trial for the purpose of

finding out the facts and circumstances. Complaints were predictably made against the Commission by unscrupulous, irresponsible persons, not appreciating or believing in the wisdom of the Parliament, about unfair cross-examination or the inquiry being stage managed or sweeping allegations of the inquiry being of no gain, or that the report cannot be implemented. Claiming to be public men, they first delayed the work of the Commission and later complained about the very delay.

7. The participants, willing and otherwise, in the enquiry

7.1. Politics is intrinsically about people power and that is how the most representative institutions and democracies of the world thrive and survive when they mobilize power of the people to bestow pride in their country's credentials. There is an implicit contract between the leaders, that the power of the people will be channelled for constructive causes and for the benefit of the country & its people. In this regard, they owe the nation a responsibility that politics will be an assertion of solutions which are most advantageous and not most divisive. We also need to remember that people power is also a short cut to the displacement of the government of the day, and therefore has implications for constitutional processes. People's power must only be used for consolidation of our democracy and not for its destruction. This is the ultimate morality with which politics needs to be practiced and history has to guide the conscience of the authors of people power.

7.2. The VHP, BJP, RSS, Shiv Sena, Uttar Pradesh (UP) Chief Minister Kalyan Singh, ministers, home secretary, DGP police, IG security, the District Magistrate, Senior Superintendent of Police (SSP) and other officers of the State etc. are the mainsprings of the enquiry. Initially none appeared on behalf of these persons or organizations and only after passing of a number of years of the enquiry, counsel for VHP, BJP, and RSS joined the proceedings either voluntarily or on receipt of notices under section 8B of the statute.

- 7.3. Prominent members of the Muslim community claimed on behalf of their constituents, to be adversely affected by the demolition, in their sentiments and emotions. They claimed that their religious feelings were hurt. Initially various councils representing the *Babri Masjid Action Committee*, *Wakf Board*, other Muslim organizations and individuals appeared and associated with the commission before and during the framing of the Commission's rules.
- 7.4. Thereafter, it was in the last stages i.e. almost after a decade, that the counsel for the Muslim Law Board joined the proceedings. Mushtaq Ahmed started appearing before the Commission after half a decade of its existence; before the joining or associating of the Muslim law Board before the commission. Azad Makhmal representing Shabuddin and another lawyer A. Haq showed up once or twice but made no worthwhile contribution to the inquiry. Mushtaq Ahmed did however cross examine some witnesses intermittently. After a decade of the Commission's inquiry, one Bahar-ul-Barki representing the AIMLB appeared along with senior counsel, Yusuf Muchhala representing the Muslim Personal Law Board and cross examined some key witnesses like LK Advani in part. No evidence was lead or information provided to the Commission with respect to the conspiracy or preplanning or the joint common enterprise, by any of these counsels. OP Sharma advocate who also joined almost at the fag-end of the enquiry conducted himself equally ineffectually.
- 7.5. Although some of the witnesses were cross-examined by the counsel for the Muslim Law Board, with some exceptions, there was no effective

participation on behalf of Muslims as a community or otherwise. No alternative theory or any version was put forth on behalf of the Muslims before the commission, though short submissions were addressed to the commission. Responsible educated literate citizens claiming to be the leaders of a particular community, or the ones who participated in negotiations preceding the demolition etc. never came forward to disclose any material, or facts in any form. With one or two exception, no substantial help was rendered by them. They did not help the commission in collecting of evidence or by participating in the commission's proceedings or by leading any evidence.

- 7.6. It would be impractical to try to summarize all that the witness testified before the Commission.
- 7.7. The transcripts of all the witnesses' statements are therefore appended to the report. The various documents brought in evidence have also been annexed with this report and this record runs into thousands of pages.

8. The background to the dispute

- 8.1. The enquiry was not into the general relations between the Muslims and the Hindus or minority communities with Hindus, detailed examination of which would be misplaced. These echoes were in any case heard while dealing with the minorities by the politics and other official machinery and their perception that they were being improperly dealt with and communally harassed or they were inadequately regarded and pursued.
- 8.2. Umpteen numbers of newspapers, television programmes, books, and articles described the demolition of disputed structure. It has been subject of debate in innumerable forums from Parliament on ward.
- 8.3. The dispute with respect to disputed structure is proclaimed to be as ancient as history. Innumerable writings in books and research papers, Commission proceedings were placed on record of the commission. The title of the property was never settled much less finally by any civil court and which is still pending before the Hon'ble High Court till day. From time to time rulers of the times permitted the people of their faith the possession. They demolished or reconstructed the disputed structure. The seesaw of "occupation" and "re-occupation" continued, as noticed by various authors and not disputed by any persons present or represented before me.
- 8.4. The presence of graveyards nearby was not seriously disputed though the title to them was challenged. The form of occupation and reoccupation has been

well recognized by the BJP White Paper when it recorded that Hindus reoccupied the courtyard, raised platform there, named it as *Ram Chabutra*, celebrated *Ram Naomi* thereon, as well as the presence of domed structure of the disputed structure.

- 8.5. The Commission proceeded from the facts as existed and events which took place since 15th August 1947, the date of partition of India, as the base line for all facts as stood on the said date.
- 8.6. In 1857, both the communities used the place for worship respectively, yet the grill between disputed structure and the raised platform was put up. The entrance was denied from Eastern gate to Muslims, who started entering the mosque from the Northern Gate alone. The activity after installations of idols in 1949 was slow but it was an extra ordinary activity after 1986. Credentials of secularism were put at stake.
- 8.7. It is not within my purview to enquire into a dispute whether it was ever a temple or a mosque built over the temple.
- 8.8. Indian religions, culture, caste system or all other institutions be it social or economic yield to temptation of politics. They succumbed to politics to some extent or entirely in spite of its needs remaining aloof or secluded. A belief developed over a period of time by unprincipled politicians hungry for power, as said by Robert H. Bork. "*Nothing matters beyond political desirable results, however achieved.*"

- 8.9. I believe that this enquiry has provided such publicity and awareness of the problem directly and indirectly and provided an opportunity to deal the specific matters arising from the demolition and all that followed.
- 8.10. It is a time to see the clarion call to deal the general problems and the different perceptions existing between two communities and government. It is for the leadership and the government machinery to appreciate the opportunity and use it, otherwise a very purpose of enquiry will be frustrated and nothing would be achieved for future.
- 8.11. I do not say that my conclusions or recommendation would solve the problem of two communities or erase all adverse and negative perceptions between two communities. I believe that debate about policing, controlling of the bureaucrats by political executive, and communalism transformed by this enquiry and thus ignited must be carried forward constructively and with imagination into action.
- 8.12. A high priority must be given for society to purge itself of communal prejudice and violence which infected those who committed for no other reason accept that the institution belong to other communities. Emphasis and stress may be laid on one aspect of the whole issue which received virtually no attention that is the very existence of culture affected by communalism and hatred against each community. Communalism had abruptly resulted in fighting followed by the demolition of disputed structure. Demolition of the disputed structure resulted in an aftermath of contamination of institutions and also of our society. The top leadership

may not have approved the demolition however their declamations remain only suspect.

- 8.13. In the very nature of happenings in 1992 and emotions exhibited during their limited testimony, it envisages a determined effort by educationists, family, community influence, proper policing and all means available to society, to assure that the minds of present and future generations are not allowed to become violent and maliciously prejudiced. We must all see it that such crimes do not happen and cannot be allowed to happen again.
- 8.14. During enquiry, it has been rightly been impressed and patently has come on record that *casteism* and communalism exists in almost all organizations and institutions. Its infiltration in the community starts amongst the very young persons. The video record and photographs as well as the evidence which have come on record with respect to incident of December 6th 1992 shows that almost eighty percent of the personnel involved were between the age of the adolescence and early 30s. The problem is that it is deeply ingrained in radical thinking. A sustained effort is needed in order to tackle casteism; communalism or regionalism head on.
- 8.15. The evidence received of the intellectual giants of various parties, leaves no doubt in my mind that communalism and casteism is a fact of current life of India. Historians put it in the forefront on every analysis for the reasons of India's losing its freedom to foreign invaders from time immemorial. History provides lesson and we are adamant not to learn any lesson from the history.

- 8.16. There is not a judicial remedy for every political mischief under our Constitution. In democratic society like ours relief must come through an aroused popular conscience of the people's representatives. The political leadership is blessed with the challenge of educating the electorate about the fundamentals of secularism and democracy.
- 8.17. Urgent action is needed if it is not to become epidemic a radical disease threatening the very survival of the Indian society. Communal, caste disadvantage and nasty associates of discrimination has not yet been eliminated. They poison the mind and attitude. They will as long as they remain, continue to be potent reason for unrest and cause throwing our nation weakness as temptation for foreign invaders.
- 8.18. This report is concerned with problems placed on the political agenda by the leaders of political parties. It seeks to consider main points from variety of viewpoints. We have to assess lessons which can learnt from facts accomplished and the disturbances, what should be done about the problems which were highlighted by the demolition and subsequent discussions. What should be continuing debate about how violence and injustice can be eradicated. Number of explanations has been offered; stories, theories and political approaches were put forth. It needs to value at the political perspective, which can be discerned underlying reaction and responses to be demolition. This Report is an Endeavour in that direction. Appraisal of the evidence is by reason of fairness to project an objective of the facts relating to demolition.

- 8.19. A sincere endeavour has been made to lay the bare facts before the people. The CBI team and other staff of the Commission has consciously worked in ensuring the effective hearing by getting service of notices etc. effected and running the administration efficiently, meeting the need of the challenge of the situation while dealing with public throughout. The team consisting of officers drawn from the CBI made an effort to find out the facts and collecting evidence in support of the facts, though they have not come to any conclusion relating to them. I may observe that they were primarily guided by the CBI enquiry made for prosecution of some of the participants in the movement.
- 8.20. This Commission has tried to maintain careful and helpful relationship with press and media, whose help has been of great help and value during the highly publicized proceedings and the Inquiry.



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CHAPTER 2
AYODHYA AND
ITS GEOGRAPHY

9. AYODHYA AND ITS GEOGRAPHY

- 9.1. *Ayodhya* is accepted in popular Hindu tradition as the birthplace of the Hindu God *Rama* and is therefore regarded as a holy and historical city. There is a plethora of ancient treatises, travelogues and histories written by innumerable authors about Ayodhya and its culture. The prominent mention of Ayodhya in the much venerated holy Hindu text, *Ramayana*, lends itself to a very significant place for this place in the Hindu perception.
- 9.2. Ancient Ayodhya was traditionally the epitome of Hindu life, culture and a paradigm of co-existence of a multi-religious society. It was a peaceful place with a regular influx of visitors, pilgrims, Sadhus and Sants, monk's traveller's tourists. There was a healthy tolerance for allowing people to follow their respective pursuits and religious rituals according to their beliefs. It was claimed by the protagonist of the movement that *Mir Baqi* after demolishing the temple constructed a mosque under the orders of Baber. Since principally, historically it was a part of *Awadh* region which was predominantly known free from communal and inter-religious division and strife so was the Ayodhya town.
- 9.3. Ayodhya was also known variously as *Vishala*, *Khosla* or *Maha Khosla*, *Iksbvaku*, *Rampuri*, *Ram Janambhoomi*.
- 9.4. Ayodhya is of special and specific importance for the sect of Ram believers or those loosely termed as the *Ramanandis* in Hindu religion. The place was the place of unequalled pilgrimage for Hindus. Monks, travellers, pilgrims,

Sadhus and *Sants*, irrespective of their religion and faith visited this town from all over the world throughout the year, apart from the special festivals. The economy of Ayodhya revolved around its temples.

- 9.5. Later, this hermit country town became a hyper active and religiously disturbed town and a veritable nightmare for the rest of the country. This place had become emotive issue owing to its position as the birthplace of Ram; a theme present in every facet of the culture; connecting the past with the present and the future. This religious fervour had kept the town for centuries alive after successive rulers had gone by.
- 9.6. Modern day Ayodhya is popularly identified with and accepted as the epic city of Ayodhya.

10. Modern Ayodhya

- 10.1. The modern city of Ayodhya is steeped in religious fervour, embroidered with local conflicts reminiscent of its long history. The city has been in a state of constant flux and currently witness to increasing intrigues with corresponding increases in levels of intolerance.
- 10.2. Ayodhya is located in the Faizabad District of western Uttar Pradesh (UP) and forms part of the Awadh region. This region has predominantly flat topography and is well connected with the surrounding areas and the rest of the country by highways, link roads, railway line, national highways, unpaved roads and ferries. The city is vastly spread out and has a number of satellite townships.
- 10.3. On the East of Ayodhya is Faizabad town with a population of about 2, 10,000. It has a large number of temples, mostly dedicated to the Hindu God Vishnu
- 10.4. There are six main routes converging on Ayodhya i.e. from Kanshi, Prayag, Chitrakoot, Sita Pur, Gorakhpur, and Jhansi.
- 10.5. There are two main routes leading from Faizabad to Ayodhya. The first and shorter of these routes runs from *Dogra Regimental Centre* via *Police Station Ram Janambhoomi*¹.

¹ See statement of SC Chaubey, CGW 23

- 10.6. The main entrance to Ayodhya is via the Faizabad national highway. This route, approximately six to eight kilometres, runs from Faizabad via Chowk Ghantaghar, Guddi Bazaar, Saket Degree College via Cantonment area, Navya crossing, Sahib Ganj and Amin Ganj.
- 10.7. Checkpoints for entrance into Ayodhya are situated at Saryu Bridge, Darshan Pura near Saket Degree College, the college crossing near Sadak Ganj post, main road by the side of the *Durahi Kuan* and the railway station.
- 10.8. Ayodhya is surrounded by conglomerations of predominantly Hindu villages. The surrounding towns of Gonda, Faizabad, and Sultanpur have been officially treated as “sensitive areas”². Sensitive towns are identified in documents produced before me.
- 10.9. Over time, the surroundings villages evolved a mechanism to accommodate or shield Karsevaks, coming and staying like nomads in anticipation of any restrictions put by state on their converging to Ayodhya or for Karseva. They used to be taken to Ayodhya as and when their organizers or leaders desired.
- 10.10. The town is currently inhabited with a multi-religious population consisting of Muslims, Buddhist, Sikhs, Christians, Jains etc., but the majority of the population is Hindu. The temples were open to people of all denominations.
- 10.11. The town is net work of small wide lanes, by lanes, and market places etc.

² See statement of DB Rai Senior Superintendent of Police. Other documents evidencing this were also duly produced before the Commission.

- 10.12. The whole town is constituted into five *Thanas*³ under the charge Superintendent of Police, Kotwali. The town is divided into two zones headed by a Deputy Superintendent of Police; and further divided into five sectors, each under the charge of an Inspector.
- 10.13. The *Ram Janambhoomi Thaana* had two Chowkis under the charge of a gazetted officer with one inspector/sub inspector as the Station House Officer (SHO), and was staffed by three constables and ten home guards. *Ram Janambhoomi Police Chowki* has a territorial jurisdiction of 4 kilometres with *Balki Bhawan*, *Choti Charwani* and *Janki Mahal Trust*. The primary function of the *Chowkis* and the force at *Chowkis* was to arrange for sensitive religious institutions, ensure security of minorities and of the *Karsevaks* and of their camps⁴. The Chowki was in communication with the control room and was responsible for the patrolling of the area⁵.

³ *Police Station*

⁴ *See statement of AK Saran, CW8*

⁵ *See statement of SC Chaubey (CGW 23), AK Saran (CW8) and CW8/4*

11. The “disputed structure”

- 11.1. The disputed structure is situated in a village *Ram Kothi Pargan Haveli* in the Tehsil and District Faizabad in UP.
- 11.2. The most prominent is the main building consisting of a structure with double iron barricades within the complex. The place came to the centre stage and became an issue.
- 11.3. The structure is referred as the “disputed structure” in judgments, in the statement of witnesses, and also in the issues referred to the Commission.
- 11.4. Self appointed leaders and hard cores protagonist of Hindus like Vinay Katiyar, made dramatic attempts before this Commission to contest the referral to the site as a “disputed structure”. However, the place is claimed to be the birthplace of *Ram* by one section of the claimants and as a mosque by the others. The terms of reference given to this Commission also use the descriptor “disputed structure” and therefore in this report, it will be referred to as the “disputed structure”.

12. The layout of the Disputed Structure

- 12.1. There are large numbers of temples, mosques, shrines, tombs, gardens and other religious monuments spread over a large area; rather, metaphorically it is said that in Ayodhya every house is a temple.
- 12.2. Prominent temples were *Sankat Mochan Mandir*, *Shakshi Gopal Mandir Shesh Avatar* temple *Ved Mandir*, *Mani Ram Ki Chawni*, *Hanumangarhi*, *Preethi Ke Thakur*, *Kanak Bhawan*, *Rang Mahal*, *Annand Bhawan*, and *Kaushalya Bhawan* etc. Other important buildings in the town were the *Janki Mahal* at a distance of 2.5 km from the disputed structure and 1 kilometre from the *Saryu* River. The disputed structure is connected through narrow streets, roads, and Bazaars. Other important buildings which need to be mentioned are the *Manas Bhawan*, *Dashartha Mahal (Bara Sthan)*, *Raj Sadan*, *Raj Gopal Sadan*, *Vasisht Ashram*, and *Gopal Bhawan*. There was a graveyard near the disputed structure.
- 12.3. With passage of time, number of well-known Akharas established themselves in the town, namely *Digamber Akhara*, *Mani Das Ram Chawani* (Cantt.), *Bare Chawani*, *Janaki Chawani*, *Tulsi Das Chawani*, *Khaki Akhara*, *Nirman Akhara* and *Hanumangarhi* amongst others. All public places, be it a mosque, church, gurudwara, temple, sarai or Akhara were put to common use.
- 12.4. There were a number of *Parikarmas*. The *Panch Kosi Parikarma* was confined to *Antra Grab* where 8 Gods are situated namely: *Ran Janambhoomi*,

Hanuman Mandir, Nageshwar Nath, Dev Kali, Lakshmanji, Saryu Ji, Sapt Sagar, and Kanak Bhawan. There were other Parikarmas as well, extending almost till the last one around the disputed structure. Reference can be made to the statement of Paramhans Ramchander Dass⁶.

- 12.5. The disputed structure and the places around it were known as the Ram Janambhoomi Complex. Shilanyas site in Ram Janambhoomi complex is at a distance of 162 feet on the east of the disputed structure / *Garb Grah*⁷ in the acquired land of 2.77 acres. It is immediately to the west of the *Manas Bhawan* lane. There was an open area on the southern side of *Shilanyas Sthal*.
- 12.6. The leaders of the extant movement and all the relevant people were staying at *Janki Mahal Trust* at the time. Another place used for stay was the *Saket Degree College* at a distance of about two kilometres away from the disputed structure.
- 12.7. Between *Shilanyas* and *Garb Grah*, only about a thousand people could collect at a time. The site of *Karseva* was at a distance of 200 yards to 300 yards away from the disputed structure.
- 12.8. *Shesh Avatar* temple was demolished and rebuilt for 2000 people⁸. Nearby on the western side an iron gate was fixed from wherein, the construction material for *Shesh Avatar Mandir* used to be taken. The gate was closed on

⁶ DW 11

⁷ *Sanctum Sanctorum*

⁸ Stated by Mahant Paramhans Ram Chander Dass, (DW11)

the 6th of December 1992⁹.

- 12.9. A security wall popularly known as *Ram Deewar* started from below the disputed structure from south-western end of it towards *Shesh Avatar Mandir*, passing before *Ram Katha Kunj*, going up to *Sita Rasoi* running around the *Shesh Avatar Mandir*. On the east, west, and south, a security wall was constructed on three sides of disputed structure around 2.77 acres of acquired land. The height of the wall varied between five and a half feet high (from inside) and six to seven feet high (from outside).
- 12.10. *Karseva* was to start in the acquired land at a distance of 200 feet from the *Garb Grah* at *Chabutra*. The other place in the *Ram Janambhoomi* complex is *Ram Katha Kunj*. It is a vacant space outside the security wall. People were accommodated there in the hundreds before 1984. After levelling about 10,000 people could sit there¹⁰. Giri Raj Kishore also stated that there was no *Ram Katha Kunj* in 1984. However, that is immaterial for the purposes of the report. *Ram Katha Kunj* is in an area of 40-50 acres of open land. There is a small structure in it, which was and continues to be an office of the Vishwa Hindu Parishad (VHP) and meetings including public meetings used to be held here. Public address system of the Vishwa Hindu Parishad or the organizers was there. It was known as *Ram Katha Kunj*.
- 12.11. The distance between disputed structure and *Ram Katha Kunj* was 250 meters and outside the wall at *Ram Katha Kunj* karsevaks and the public used

⁹ Stated by Shukla (CGW4)

¹⁰ Stated by Giriraj Kishore (CW28)

to gather. There was no specific exit point in the open areas.

- 12.12. The topography and facts about *Ram Katha Kunj*, Ayodhya town or the *Ram Janambhoomi* complex or *Ram Katha Kunj* or the disputed structure are however not disputed. The facts are corroborated by NC Padhi¹¹ in his statement with no contradiction.
- 12.13. The disputed structure was situated on raised ground on a mound of 30 feet height in the east, 50 feet on the West resembling a *Stupa*. There is a huge trek near it and there was a turf on the western side of the structure. Land around the disputed structure was uneven.
- 12.14. On three sides of disputed structure, on the east west and south, a security wall was constructed around 2.77 acres of acquired land which was known as *Ram Dewar*. It was the boundary wall of the proposed temple at the disputed structure. There was a perimeter or Security wall and surrounded the temples. There was a wall on the back of the domes and after the wall; there were fields with 30 feet deep gradient of one and half *Bighas*. The height of the walls varied in the structure. There were houses, roads and the fields on the back of the disputed structured after 30 feet depression. There were three domes in the disputed structure. The middle dome was described by one section to the dispute, as the *Garb Grah* while others described it as a *Mosque*. It is well understood by the rival claimants and even by a common man that land in dispute means the actual structure and *Ram Chabutra* within the inner courtyard subservient to structure towards the East of the disputed

¹¹ CGW32

structure. The total length of the disputed place from west to east is 75 feet while the length of the proposed temple to be constructed is 270 x 250 feet. The main gate of it was to be constructed at a distance of 255 feet away from the East while the *Shilanyas* of the temple was at a distance of 250 feet from the proposed main gate which would be outside the precincts of the disputed place¹².

12.15. There was an open passage in front of the disputed structure, known as *Sankirtan*. JD Puri¹³ stated that half the distance from the disputed structure towards eastern security wall was open, because the barricading was not placed fully up to the western wall for the entrance of the pilgrims and this fact is not disputed by any one.

12.16. The distance between the highway and the disputed structure was 200 yards. *Karseva* was to start in the acquired land at a distance of 200 feet from the *Garb Grah* at Chabutra. Distance between inner and outer cordon was 150 feet. Distance between isolation cordon and inner cordon was 10 to 15 feet. There was iron double barricading with inlet and outlet doors with Main entry gate and exit gate in the main disputed structures. There was a passage provided by wooden barricading to regulate pilgrims. Walls were constructed as boundary of the worship site with two doors therein. *Shilanyas* and main building of disputed structure had double iron barricades¹⁴. *Karsevapuram* was at the back of the Saryu River at a distance of 2-4

¹² See file number 4.200/30/D/89

¹³ DW5

¹⁴ Topography is recorded in the office file number 11. 131/1/10/90 – cx-3 and File No 5 – 1 355/D/91.

kilometres from the disputed structure. The Karsevapuram office was at the bank of the Saryu River. Singhdwar was at a distance of 192 feet, Shilanyas was at 162 feet on the east of the idols. The distance of Shilanyas was at a distance of 300 yards from the disputed structure. The camps of the karsevaks were half a mile from the disputed structure. The public address system was at the same distance.

12.17. In the outer cordon, a 10 feet wall was constructed to which subsequently, three gates were added. There was a barricading of 10 feet height. There were some concertina wires in the inner cordon. The level of barricading was low. It was adequate to regulate the crowd¹⁵. Pilgrims could approach the 2.77 acres in two lines, one for men and other for women with a dividing barricade being there. No other passage was there. Mohammad Subrati¹⁶ stated that the locality of *Kalyana* is situated at a distance of 200 yards from the disputed structure and there are 70 acres of land lying vacant. He stated that between the layout and disputed structure is a garden, while the police post *Ram Janambhoomi* was 50 metres away from the disputed structure towards the Eastern northern side. It was corroborated by Ganga Prashad Tiwari¹⁷, and Sheikh Juman¹⁸, D.D Gupta¹⁹, Ashok Singhal²⁰ read with

¹⁵ See CW8/3

¹⁶ CGW46

¹⁷ CGW53

¹⁸ CGW47

¹⁹ DW2

²⁰ DW9

Paramhans Ramchander Dass²¹. There were two main roads on eastern side and northern side of the disputed structure.

12.18. On the east of the disputed structure touching the boundary wall were shops, huts, *Shakshi Gopal* Temple. On the north eastern corner of the acquired land was *Ram Janambhoomi* sandesh. Temple of *Sankat Mochan* was situated on the entry to the disputed structure from the *Ved Mandir* crossing on the *Durahi Kuan* Road. Down south of *Sankat Mochan* Temple and East of the disputed structure were the sites of *Shilanyas*, Shila - Sangrah and further little down was Akhand Manas Path Sthan, with further down was Amar Das Mandap, Sita well, or some huts. All the above sites were adjoining the boundary wall within the acquired land. There is the Maine Road on the East of disputed structure with plain lane passage to the disputed structure. There was a door with double iron barricading in front of the eastern gate of disputed structure which is the second frisking gate. On eastern side, half of the length of was without security wall with no barricades. On the east of the disputed structure, there was the wall with entry gate followed by another wall with gate with *Ram Chabutra* in between.

12.19. There were *Kacha* house on the west of the disputed structure. There was a concertina wire on the West and South side of disputed structure with a gate on western side.

12.20. On the north of the disputed structure there was a metalled road. It ended on the western side of the *Durahi Kuan road* at a distance of 1 km on eastern

²¹ DW11

side, while ended on the crossing near the northeast corner of the acquired land known as *Ved Mandir* crossing. The road was known as *Durahi Kuan* Road with ten feet width²². From this crossing, one road leads to *Hanuman Garhi* towards East, the other to *Ved Mandir* towards North while the third lead to Faizabad on south. Across the road on the north, disputed structure there was *Sita Rasoi*. Toward the south of the *Durahi Kuan* on the north of disputed structure, there was *Kaushalya Rasoi* with a fence of barbed wire.

12.21. On the northeast of it was police control room, with an exit gate between *Kaushalya Rasoi* and police control room opening on the south of the *Durahi Kuan* road. There was *Singh Dwar* on the north of disputed structure for exit from it to *East of Kaushalya Rasoi*. *Singh Dwar* is south of *Durahi Kuan* Road and *Sita Rasoi*. There was main road on the north side of disputed structure with plain passage leading to the disputed structure. Land on the north around disputed site was uneven. The distance between the security wall and the disputed structure on the north was half furlong.

12.22. *Police Chowki Sumitra Bhawan* was on the south of the disputed structure in the southeast corner in the south of acquired land. On the south of the disputed structure, there was a huge depression on the acquired land which was not filled before 6th December 1992. On the south of the disputed structure, there was open land. *Dwarka Dass* temple, exhibition pandal was on the south west of the corner of *Shilanyas Sthal* with sidewalls of bricks with two entrances opening on the north side with no doors and having

²² As stated by Anju Gupta (CGW8); however DB Rai stated it to be 20 – 25 feet wide

wooden frames²³. On the southern side filling of depression near *Ram Janambhoomi* adversely affected the barbed wire fencing on the outer cordon. There was an open area on the south side of the *Shilanyas Sthal*.

12.23. Peeyush Srivastava²⁴ stated that on the corner of South east acquired land there was *Anand Gali* known as *Anand Keshatra* leading to *Ram Katha Kunj* with Barrier. Distance between the security wall and the disputed structure on the South was 42 acres.

12.24. The District Magistrate vide his letter dated 15th July 1992 suggested in his plan for traffic movement at the disputed structure, that the passage for exit and entrance from *Singh Dwar* be divided into three parts one for females one for males and one common passage for all to exit to the *Durahi Kuan* Road. It was suggested that entry to other area at the acquired land within security wall should be on the eastern side of the security wall near *Sita Koop* for both coming and going. Entry to disputed structure was not possible from the open space in required land. It was accepted by SC Chaubay that there was only one route for exit and entry to dispute structured and no escape route for isolation cordon was thought of. DB Roy stated that prior to February 1992 the entry to complex used to be from Sita Koop and exit was from *Singh Dwar*. The people were not allowed to have Parikarma. Entry to *Shesh Avatar Mandir* was separate. There was separate passage for Sheshavtar Mandir. It was alleged that there was a separate passage for *Karsevaks* and

²³ Refer to CGW 23/16, CGW 16/4. Reference may also be made to the statements of SC Chaubey (CGW23); Mulayam Singh (DW12)

²⁴ CGW10

Darshnarthis from Raghu Dwar channel²⁵. However, this is contrary to the facts on the spot. Abdula Nasir²⁶ stated that a new road of 80 feet wide from the police Chowki was constructed to go to the complex obviating the need to go to the bazaars.

12.25. A new control room was constructed at the distance of 30 m on the advice of the Intelligence Bureau (IB) on the 80 feet wide road. It was proposed to construct a Parikarma road which has not been constructed even till date. The proposal of entry and exit to 2.77 acres through Raghu Gate being closed was rejected as not possible till the metalled road from Raghu gate to channel gate is widened by 10 feet to provide three barricades lines. Entry from *Shilanyas* side was closed to the disputed structure on 6th December 1992. Entry and exit was provided from *Singh Dwar* by putting the barricade. There were Channels gates at entrance and exit in the outer cordon²⁷.

12.26. Akhilesh Mehrotra²⁸ stated that iron gates fixed on disputed structure and nobody could enter when the gates were closed²⁹. The pilgrims or the *Karsevaks* or the security forces had an access to the disputed structure coming from any direction, i.e. from the *Hanuman Garhi* Road, *Ved Mandir* Road, *Durahi Kuan* Road or lane of Manas Bhawan, through an entry from

²⁵ Refer to DW5/8

²⁶ CGW20

²⁷ Refer to CGW 23/22

²⁸ CW11

²⁹ Refer to DW 13/21

Durahi Kuan where DFDM was put. The iron barricading starting from *Durahi Kuan* ended up at the gate of disputed structure. It had another inlet from the side of police post on the north to provide an entry to *Sankat Mochan* Temple as well as the area of *Shilanyas* at *Shila Nyas*, *Amar Das Mandap*, *Sumatra Bhawan*, *Sita Koop*, *Mani Ramdas Mandir*, *Ram Janambhoomi Nyas* etc. There were doorframe metal detectors (DFMD) provided there. There was a gate opening to and from the isolation cordon to outer cordon of the barricade with two gates providing an opening.

12.27. The barricade on the *Manas Bhawan* Street Lane provided a passage from the street of *Manas Bhawan* to the site of *Shila Nyas*, *Summitra Bhawan*, *Sita Koop*, *Mani Ramdas Mandir*, *Ram Janambhoomi Nyas*, Police Chowki, and *Amar Das Mandap*. There are openings from Lane of the *Manas Bhawan* trust to the *Shakshi Gopal Mandir*.

12.28. On the 6th of December, the entrance from *Shilanyas* side was closed, and entrance and exit was provided from *Singh Dwar* by putting a barricade and dividing it³⁰. There was an entry to disputed structure through the acquired land from the *Durahi Kuan* near the crossing *Ved Mandir* touching *Sankat Mochan* Temple entry gate on the east of disputed structure. The feeding roads leading to temple were *Durahi Kuan*, *Ved Mandir*, *Hanuman Garhi* and *Teri Bazaar*.

³⁰ Refer to CGW23/22

- 12.29. NC Padhi³¹ and DD Gupta³² have stated that in the outer cordon, at main entrance and exit, channel gates were there. There was no special route either for the entrance of, or for calling in additional forces. Iron gates were fixed on the disputed structure. Akhilesh Mehrotra³³ stated that there was a main gate and nobody could enter when the gate was closed. There were three narrow exit and entrance in the walled area³⁴.
- 12.30. There was an iron gate near the security wall where *Shesh Avatar Mandir* was under construction and for which, the material was taken in from this gate; this gate was closed on the 6th December. Shukla³⁵ stated that from the disputed structure via *Shakshi Gopal Mandir* and *Ved Mandir*, trucks could not reach the main road leading to Faizabad.
- 12.31. There was a road on the back of the land and disputed structure with no link road in between, leading to the main highway to Faizabad. From the side of *Hanuman Garhi* trucks could not reach to disputed structure. There was another road from *Hanuman Garhi* to the disputed structure. It was under construction on which trucks could ply with some difficulty.
- 12.32. There was a staircase on the south east corner of the disputed structure leading to the roof of the dome. Ram Lal Ram³⁶ stated that *Karsevaks* were

³¹ CGW32

³² DW2

³³ CW11

³⁴ Refer to DW 13/21

³⁵ CGW4

³⁶ CGW15

neither permitted nor required to go to the dispute structure. They were required to go to *Shesh Avatar Mandir* and go through a separate entry while *Darshnarthis* were to go by another entry to disputed structure and exit separately.

12.33. A message dated 27th of May was sent that the entry gate from *Shilanyas* site was closed and visitors were allowed to enter from the recently opened *Singh Dwar* Gate which was used for entry as well as exit by putting a barricade in between³⁷.

12.34. For entry of *Karsevaks*, a gate was constructed in front of the Shakshi Gopal Mandir; pilgrims would enter and they would be frisked at the gate., It was pointed out vide the White Paper issued by the Government of India, that frisking to *Ram Janambhoomi* Complex was discontinued in 1992 which fact was not controverted by any one³⁸. It was after paying obeisance at *Garb Grah* they would go to *Summitra Bhawan* premises through the barricade passage and pass through *Abhi Ram Das Mandir* passage to the *Shilanyas* path; exit through the Manas Bhawan passage. *Karsevaks* could be permitted from the passage near Manas Bhawan to *Shilanyas* premises. If they wanted to go to the disputed structure, they had to go to Main Channel Gate and go through the above said route. On demolition of major portion of *Sankat Mochan* Temple, for the passage through the Channel Gate and *Shilanyas* premises there was no barricading. It was suggested, that it was desirable to erect strong barricade before 30th of October 1991 and that a sufficient number of

³⁷ Refer to CGW 23/2

³⁸ Reference is made to the Government of India White Paper

police personnel be deployed so that people may not be able to come directly from *Shilanyas* premises directly to the disputed structure³⁹.

12.35. S.V.M. Tripathi⁴⁰ stated that *Ram Katha Kunj* is situated outside the outer wall shown in the Plan Ex. CW-15/3. The *Karsevaks* were to enter from the gate marked in the said site plan and go along with this double barricade and throw whatever sand they were permitted to throw and then they would go outside from the *Shesh Avatar* gate. Raman Kirpal⁴¹ stated that *Karseva* had to be performed all over the plot and it had two gates; the entrance known as the Ram Gate and the exit as the Laxman Gate.

12.36. Succinctly and finally, the position emerged on the ground on 6th of December 1992, that the pilgrims were required to enter from road through the gate on *Durahi Kuan* Road and here that they were frisked. They passed through a double barricade providing two lines, one for men and other for women, parallel to the *Durahi Kuan* road to reach an opening in the piped barricade forming an outer cordon, thus entering the outer cordon through marked gate. Within the piped barricade, there was no restriction on the movement of the persons entering it. Site plans of before and after the demolition of the disputed structure on the 6th of December 1992 are annexed with this report.

12.37. The pilgrims used to enter inner cordon through a door in a wall around the disputed structure thereby reaching into open place wherein *Ram Chabutra*

³⁹ *Facts were recorded in official nothings in File No. 20.200/87/D/91.*

⁴⁰ *CW15*

⁴¹ *CW24*

was located. *Singh Dwar* was in this wall near Kaushalya Rasoi which was the exit gate in outer cordon with further having the opening in it on the Durahi Kuan. There was another wall encircling the disputed structure with two gates in it. *Darshnarthis* used to enter the disputed structure within the walled area known as an isolation cordon within where *Garb Grah* was situated. Exit route from the isolation cordon was from *Singh Dwar* to *Kaushalya Rasoi* in outer cordon from there through *Raghbar Dwar* to *Durahi Kuan* Road. A stair case having an iron gate in the isolation cordon for going to the roof of the domes was closed with concertina wires. The other gates were opening in the acquired in land where *Shilanyas* and other places in the *Ram Janambhoomi* complex were situated within security wall. Two walls were constructed in boundary wall at the worship site in 1990.

- 12.38. Though the isolation cordon is described differently by witnesses and the Government notes, yet finally in pith and substance it emerges that the isolation cordon fell inside the common wall of isolation cordon and inner cordon including the disputed structure with an inlet and exit gate⁴². It was an area of about 200 – 250 square feet around the dispute structure consisting of inside portion of shrine. There was a doorframe metal detector (DFMD) at the main entry gate. It was surrounded by an eight feet high wall. The inner portion of this wall constituted the isolation cordon⁴³. The distance between the isolation cordon and disputed structure was about 10 to 15 feet.

⁴² As stated by J S Bisht (CGW7), OPS Malik (CGW16), Suman Gupta (CGW9), Acharya Dharminder Dev (CGW10 etc).

⁴³ as stated by RK Swami (CGW3)

The distance between inner cordon and outer cordon was about 150 feet.

12.39. The inner cordon can be identified as the area between the outside wall of inner cordon and inner side of the wall of the inner cordon area. That is, between the inner cordon and south of the wall of the isolation cordon and west of the wall of inner cordon – the area between the two walls of isolation cordon and inner cordon constitutes inner cordon with a frisking in it. It had a 10 feet high concertina wire and iron piped barricade and an iron door⁴⁴. Cordons were shown in CW8/30⁴⁵. The outer cordon, earlier to the construction of the security wall area other than the isolation and inner cordon, was described as the outer cordon and thereafter the area between outside the wall of inner cordon and piped barricade in the acquired land was outer cordon. Security wall of ten feet height and 18 feet wide was built around the disputed structure on the acquired land except the north of the disputed structure⁴⁶.

12.40. Vehicular traffic was not permitted on the road and it was stopped at *Durahi Kuan* at a distance of 1 kilometre from the dispute structure regardless of whether the vehicle belonged to the police, leaders, *Karsevaks* or the public. The car park was situated at *Durahi Kuan*. Additional parking space was providing across *Saryu* at *Katra* on the other side of the *Saket Degree College* near *Darshan Pura*⁴⁷.

⁴⁴ Refer to the statements of OPS Malik (CGW16) and AK Saran (CW8)

⁴⁵ Refer to the statements of OPS Malik (CGW16) and AK Saran (CW8)

⁴⁶ Refer to DW 13/21

⁴⁷ as stated by CW11 Akhilesh Mehrotra

12.41. Ultimately, from a geographical perspective it emerges that there was every possibility of the crowd or the hard cores coming out of Faizabad to reach Ayodhya and by all possible means. With their stated apathy towards the disputed structure, the people could not by any means be contained, restricted, or stopped. They were in a position to make their way, at their own terms conveniently.



सत्यमेव जयते

REPORT OF THE
LIBERHAN
AYODHYA
COMMISSION
OF INQUIRY

CHAPTER 3
THE POLICE
ADMINISTRATION

13. THE POLICE ADMINISTRATION

- 13.1. The Uttar Pradesh (UP) police regulations envisage that the police hierarchy has a Director General of Police (DGP) at the top.
- 13.2. The DGP is assisted by Additional Director Generals of Police (ADGPs). And he is the adviser to the *Governor in Council* on all questions of police administration, being the head of the department.
- 13.3. All orders are issued to the DGP who in turn deals with gazetted officers, general allocation of staff, general distribution of funds, transfers, postings, grant of leave, promotion of clerical staff and other matters as per the UP police regulations.
- 13.4. The Commissioner of a division has an overall supervision of matters relating to police and the range.
- 13.5. The state is divided in zones headed by an Inspector General of Police (IG). The IG also heads the various branches of the police, subject to the control of the DGP. He is responsible for recording entries for the guidance of staff and for the information and guidance of his successors. He is to remedy any defects within his powers; refer appropriate questions to higher authorities. There are other duties envisaged which are however not relevant for enquiry.
- 13.6. The police forces are divided into ranges headed by a Deputy Inspector General of Police (DIG). Police ranges encompass various districts. The DIG is required to report about breaches of peace, matters of political nature,

to act as a channel for information and other supervisory, advisory functions for his subordinates in the range.

13.7. The police district is headed by a Senior Superintendent of Police (SSP) or the Superintendent of Police (SP) who is the pivotal police officer. He is further subject to the control of the District Magistrate who is the administrative head of a district. The SSP is responsible for the overall discipline of the police, for the proper performance of duties by the police, compliance of orders of the courts and other state and Central Government competent authorities. All police orders and instructions are issued by the SSP. He is required to encourage the public to communicate their ideas freely, and cultivate alternative sources of information from outside the police force. The SSP is required to interact with his counter parts from neighbouring districts. Books inspected and signed by him are required to be retained for 45 years. These record books, in English have to be updated daily. He issues executive orders concerning internal economy/security of the country, appointments, punishment, transfers, leaves, posting, communal crime, religious movement or activities. The SSP / SP are assisted by the Deputy Superintendent of Police (DSP), inspectors and other subordinate police officers.

13.8. The reserve inspector and sub-inspectors are the officers in charge of the reserve lines. Circle inspectors are generally charged with the supervision, investigation, and prevention of crime, to coordinate preventive and detective work in police circles coordinate with the other circle inspectors, subordinates and ensure that they discharge their functions and duties honestly and

efficiently, ensuring that energies must not be dissipated in clerical work. He is duty-bound to report any feeling or disaffection towards the government, and the spreading of any movement, scare or rumour, which may cause trouble, if not checked. He also deploys police force for suppressing riots, maintains order, and keeps a diary recording his movements, confidential notebook recording notes on all matters to be brought to the notice of the superintendent. There are also other statutory duties which are however not relevant for the purposes of this enquiry.

- 13.9. Sub inspectors are in charge of the police station and conduct the police administration having authority over all branches of the force. A Sub Inspector would be responsible for proper performance of the duties by the subordinates, correctness of the all official records, record returns and reports, safe custody of the valuable property, keep them under control and maintain discipline. He is required to acquire local knowledge of his charge and be acquainted with all the principal people in it. He is to secure cordial assistance from village headmen, take information from them, keeping watch on law, communicate intelligence to his superiors from confidential notebook maintained, record of unusual information and secret intelligence, and record confidential remarks about subordinates and others. Notebook required to be maintained should be handed over to the successor. He is required to take care of equipment and remove deficiencies weaponry. He is required to keep the subordinates informed about the police Gazette, intelligence Gazette and other information received at station, do the management, arrange duty and leave from the station, reason for the same which must be recorded in

internal diary. There are other subordinate police officers like ASI's, head constables and watchmen etc. The discussion of their statutory duties is not relevant for the purposes of this enquiry.

- 13.10. Constables are charged with the prevention of crime and are ordinarily deployed on duty for three hour "beats". They are required to make inquiries on his route about personnel under surveillance, or absconding offenders, wandering tribes, passing events and report incidents to higher officers.

14. Magistrates

- 14.1. The District Magistrate is the head of the criminal administration of the district. He controls and directs the actions of the police. The SP informs the District Magistrate about crime, localisation and causes of it. The information reaches the hierarchy accordingly. The district Magistrate asks the superintendent of the police for action in case of inaction, corruption, harassment, abuse of authority which comes to his notice. In case of situation, having a bearing on the general law and order superintendent of police would act according to instructions and the guidance of the district Magistrate. The district Magistrate should visit police station during the financial year. District Magistrate's duty is to support the police in enforcing law and order and see no injustices is done. In case of religious processions and public ceremonies, provide procedure to be followed by office by custom of long-standing. It is the police duty to see that the same is done or kept and no deviation is made.
- 14.2. The above referred force and hierarchy of police forces is known as the police force or district police. It is responsible with police administration and act as a force of government responsible to government as its might or force for implementing government orders and directions.

15. The Provincial Armed Constabulary.

- 15.1. The Provincial Armed Constabulary (PAC) was raised as parallel force to military to help police at the time of needs. It is a force meant for the suppression or prevention of disorders and crimes of violence or such pursuit and apprehending of dangerous criminals. It is ordinarily used as a reserve force for implementing the orders issued to it.
- 15.2. It is deployed in aid and assistance of the district administration or the police force. It is subject to the control of district police officers. The superintendent of police is required to assign duties and the order should remain on record for future guidance. Instructional or police rules provides for about its object from time to time. It has been specifically provided by police rules that wherever armed attachment is provided ordinarily it should consist of Hindus and Muslims in normal proportion.
- 15.3. Commandant heads the district battalion under the control of the DIG and IG PAC. Battalion is constituted of four companies to eight company headed by commandant assisted by an assistant commandants with adjutants, *subedar*, company commanders, platoon commanders and section commanders. PAC where deployed in aid and assistance of the district administration is subject to the control of the district police officers.

16. Criminal Procedures, the police, administration and the public

- 16.1. Procedure for recording the first information report in detail is statutorily provided by the Criminal Procedure Code which need not be elaborated in this inquiry. The copies of the first information reports are required to be sent to the higher authorities by the quickest means.
- 16.2. The only way to provide a systematic, legal and just society is by adhering to the constitution and the other laws enacted by the people through their representatives, in letter and in spirit. All administrative actions, legislative laws, thoughts and philosophies have to be tested on the anvil of the constitution. All institutions, means, acts etc of humans in society are required to be directed for achieving what constitution envisages socially, religiously etc. This ensures greater good for larger number without affecting the fundamental rights of individuals or the people in minority and provides orderly society governed by laws.
- 16.3. A commitment to the principle of justice, of the greater good of the larger number, without depriving others of their rights, howsoever small the numbers of the minority may be, is a well recognized principle. Constitutionally protected rights cannot be rendered nugatory either by skewed articulation or desire of larger number of people because of governance in democracy is where numbers matters. The vote bank policy and is it of the majority order or majority appeasement, or a minority order or minority appeasement beyond constitutional aspirations would be a fraud on

constitution. In constitutional governance, human ingenuity for self-service in the name of majority has no place in civilized society. Permitting it would be a fraud on the people, constituted by the ones representing the majority in governance while working of the constitution by them. Constitutional rights have been kept out of the purview of institutions of governance or individual from tempering with it while governing in any situation.

- 16.4. Law and order is a State subject under the constitution of India. The police powers are with the state. Exercise of police powers, apart from the powers conferred by the constitution or by legislation, police, and executive may be political or bureaucratic executive exercises powers conferred statutorily subject to constitutional restraints or expressed powers. Any power from any source cannot be subverted to be articulated, manipulated for violations of constitutional rights.
- 16.5. Without itemizing all the functions of police in detail, as the broader enquiry is impracticable, it would suffice, to sum up the relevant functions of police for the purpose of enquiry. Powers emanates from statutes, traditions, practices, demands, needs of the state, exigency governance, requirement of public peace and order, the necessity to enforce the law and order, protection of minority and the weaker members of the society, previous precedents, etc, to sustain a civilized society.
- 16.6. The police are charged with the duty to enforce the law and maintain order, maintain peace and tranquillity, investigate and detect crime, to take measures to prevent the crime, enforce the policy of constitutional and the

laws enacted, to keep surveillance on known bad characters etc. Police is required to regulate traffic, public meetings, processions and deployment on patrol duty. These and other duties are enumerated in various statutes which need not be referred to. Methodology and mechanism for performing the broad duties as spelled out by various statutes, police rules, the various instruction issued from time to time and the constitution of India has to be worked out within the known parameters and principles, practices, within the statutory constraints of the and by the institution entrusted with the duties.

16.7. Other than routine policing, in view of the changing needs of times because of scientific progress made universally, the other branches of police like CID, administrative policing, economic intelligence, investigating wings of scientific section, special investigating branch, cooperatives cell, intelligence wing of state police, mountain police and armed police known as PAC (which was raised in order to deal with other communal riots after 1947) as well as on the pattern of military forces for maintaining the law and order and at the time of needs discharge the functions of police and assist the state in exercise of police powers or governance. In U. P. PAC governed by U. P. Pradesh armed Constabulary act 1948. They are deemed to be police officers.

16.8. The police order is however under the control of the political executive. It is answerable to legislation, courts, and bureaucratic executive. Factually, a Minister controls the police, as is also perceived by the people in general, and exceptions apart, the district police is usually subject to the influence of the political bosses and makes an attempt to comply with their express or hidden

desires.

- 16.9. In view of low literacy in police, illiteracy of public, lack of expertise, habitual drifting nature and lethargy of the government employees in discharge of their duties which is further complicated by the laws and captured by the bureaucratic phenomena which specially with passage of time and degeneration of character having set in, with the political leadership having learnt the methodology of exploiting the greed of human beings be in uniform by offering plum postings and other undeserving or deserving benefits has made the police even the executive subservient to political masters for innumerable considerations.
- 16.10. Police duties and functions generally and listed by police rules, police act and conduct are: police officer should act in cooperation and under the control of the district magistrate. The police officer should be aware of the strength and limitation as it may be on the strength of the statistical material at their disposal. He should provide a policy of policing in such a way that it could not be moulded on the basis of unsafe statistical generalization. Safeguard should be provided against false credibility of the religious stereotyped or myth by over simplistic assessment of data. It should be ensured that forces were kept away from the Arkansas influence of politician, all religious leaders, and religious bigotries or from its influence or distorted influence on the perception of the officers.
- 16.11. Ordinarily decision-making police officer should be from the area close by with the knowledge of incidents based on the courts order or against it with

positive system of information at their disposal. If possible the officer should not be connected to the majority caste or religion where policing needed extensively. He and his force should be conversant with the topography. Force should know or at least be well apprised of the speed of the rioters or the crowd and their behaviour. The above requirements had been specifically provided by the police rules of UP.

16.12. Planning for policing should be made in advance with perception, with foresight, far sight and hindsight keeping in view the character, moral, past conduct, fanaticism, sensitivities of the issues, and attitude of leader toward the issues, their influence among the locals and all over the country, the capacity of liberal attitude, past happenings and incidents etc, defiant mood of crowd, leaders, the required force to meet the force of crowd, a need of use of arms etc are some of the con-commitment for policing crowd. For this enquiry, one need not go into the innumerable circumstances calling for use of force or firearms to disperse the crowd. Wherever there is the conflict between maintaining peace and the enforcement of law, policing becomes dependent upon the exercise of discretion of the officer which is being depend upon in the particular circumstances or by parties or the situation they are required to handle.

16.13. Criminal procedure code empowers the police to use force for dispersal of the unlawful assembly which is likely to cause disturbance in public or it is dangerous to the public peace or order. Maintaining peace in governance has been placed at such a pedestal that the use of force not only by the police, in the eventuality of their failure, it has been joined on the magistrate to use the

army for the same. The power to disperse such assembly is exercisable under the orders of the magistrate, however police can do so independently of the authority of magistrate, provided he is not available or is unreachable and delay may prejudice the situation. Only duty in such a situation, of the police is to communicate as soon as possible. Criminal procedure code provides sufficient statutory powers and the procedure for the police force.

- 16.14. Police officer should act in cooperation with the magistrate, under the control of district magistrate. The policeman should be aware of his powers and the limitation imposed by the law.



CHAPTER 4

SEQUENCE OF EVENTS

17. THE SEQUENCE OF EVENTS

- 17.1. The conduct and culpability of the protagonists and the architects of the events of the 6th of December 1992 must be understood and analysed not only from the actual events themselves, but also from their conduct, speeches and acts of commission as well as acts of omission over a period of time.
- 17.2. It would also be critical to analyse and weigh the invocation of historical occurrences, resort to power politics, attempts to amalgamate religion and politics using selective historical events by various actors. Finally, the conscious effort to polarize the Muslims and the Hindu populace and widen the gap between the communities also needs to be considered.
- 17.3. The facts and events leading up to the 6th of December and of that particular day have to be unravelled from a complicated web; the conclusions and inferences have to be drawn by cutting through the deliberately created haze of obfuscation and seeming chaos. All the more, since power politics knows neither prestige nor honour for which the masses had been trapped in a labyrinth of secularism, pseudo secularism, minoritism, regionalism and casteism. The much vaunted idea of the secular state given in the Constitution was the unfortunate victim in the entire episode.
- 17.4. “*Die Religion ... ist das Opium des Volkes*”, said Karl Marx. *Religion is the opiate of the people*, and especially in a populous country like India with its teeming masses of illiterate, immensely susceptible to the influence of religious groups, Sants, Sadhus, dogmatic leaders and the self-proclaimed protectors of

various faiths. It is an impossible task for the man on the street to see through the propaganda and to decipher the motives and the intrigues of politicians and leaders – from the top levels to their foot soldiers and rabble rousers. Labelling oneself a protector of a particular faith or religion or a particular region or culture; or the messiah of the poor may be a good career move in the game of power politics but is a bitter illusion for the common man.

- 17.5. It would be impractical to try to summarise the statements of all the witnesses as well as the documents or the books referred to and produced before the Commission. These have been set out in their entirety in the appendices to this report. This report makes specific reference to critical aspects from this evidence, and quotes some statements or parts of the evidence as the rationale and basis for the conclusions drawn herein.
- 17.6. The relevant basic facts events and designs have been gleaned from the witnesses’ evidence and the documentation gathered. These facts are corroborated by the circumstances. The *mens rea* or the mental element can only be inferred from these factors for obvious reasons since the internal machinations of the human mind are rarely apparent otherwise. I have endeavoured to reach the attainable human truth, through a human approach.
- 17.7. The conspectus of facts and events are also taken from the records, White Paper of the Government India and that of the BJP, the oral evidence and the official records produced; various publications, articles and books written, apart from reports in media and the debates addressed.

18. Background

18.1. In order to appreciate and crystallize the events prior to 1947, extensive material in the form of the long histories, articles, and travelogues written about Ayodhya, Ram the incarnation of God and the ideal king, and his birthplace, Babar's acts and deeds, history books, and the BJP's own White Paper as well as the Government of India's White Paper, various articles, books brought to my notice, have been carefully examined and studied. The undeniable and uncontested facts up till the year 1949 can be summarized as follows.

18.2. An attempt to "repossess" the disputed structure was made in 1934. The disputed structure had been lying locked since. The domes had suffered some damage.

18.3. In its White Paper, the BJP recorded

"It had remained locked since then. In 1934 on account of armed conflict between the two communities on the occasion of cow slaughter the structure was damaged. British government in 1934 got the damaged mosque i.e. the disputed structure repaired by imposing fine on Hindus. The cost was recovered as punitive fine from Hindus."

18.4. Reference may be to a book titled "*Historical and legal perspective*" written by Justice Nandan Aggarwal and a booklet published by the Bar Council of India on "*The judgment about the disputed structure*". The judicial proceeding for repossession of *Ram Janamsthan* had recommenced.

- 18.5. For centuries, this was a local religious issue confined only to Ayodhya; at the most to the Faizabad Division. It was to later transform into not only a national political issue but also an internationally communal issue, which was to shape the contours of democracy of India.
- 18.6. In the year 1528, the Mughal Emperor Babar ordered his Commander Mir Baqi to erect a mosque at Ayodhya⁴⁸. Protagonists of the present movement claimed that after demolishing the temple at the birth place of Ram, Mir Baqi constructed the mosque i.e. the “disputed structure”.
- 18.7. The British rulers of the time later divided the area in two parts, one comprising of the structure described by VHP as “Babri structure” and the other comprising of “Ram Chabutra” and “Sita Ki Rasoi” with a courtyard, where Hindus used to perform Puja. The structure stood divided into inner and outer courtyards by a railing. The BJP White Paper states that “On 1767, an Austrian Jesuit traveller, *Joseph Tieffentheler*, found that in spite of the Mughal Kings’ effort to prevent them, the Hindus re-occupied the courtyard, raised the Rama Chabutra thereon, and were worshipping and celebrating Rama Navami there as well as under the domed structure.”
- 18.8. Worship of idols installed on the Ram Chabutra by Hindu devotees in general was performed for a considerable period. There were no objections from the Muslims staking the counter claim prior to the shifting of idols into the disputed structure in 1949.

⁴⁸ This finds mention in the BJP White Paper

- 18.9. It is however not the Commission's mandate to record a finding with respect to the exact question of history and a discourse on whether a mosque was constructed at the place of temple is outside the Commission's purview. Suffice it to say, the construction of the Mosque by Mir Baqi in 1528 is now an admitted fact.
- 18.10. The Ram Chabutra was built in 1767 within the courtyard of the disputed structure. The courtyard was divided by railing into inner and outer courtyard. The fact is admitted by the counsel for the Central Government during the course of his arguments. It was also admitted in BJP White paper.
- 18.11. Attempts to repossess the disputed structure were made in the past. These took the form of either military action, by way of civil litigation, through diplomacy or by means of mass movement. History books like "*The first two Nawabs*" by AL Srivastava, "*Fall of Mughal Empire Vol II*" by J.N. Sarkar, "*Marathas and Panipat*" by Hari Ram Gupta, "*History and Geography of India*" by traveller Joseph Tieffentheler, "*Gazetteer of the territories under Government of India company*" by Edward Thornton were referred to and cited before the Commission. It was sought to be established that the Hindus were retrying to re-establish and maintain their rights at Ram Janambhoomi.
- 18.12. One Mahant Raghbar Dass filed a civil suit for the construction of a temple. The BJP White Paper records the observations of one Col Chalmers in appeal in the suit, which was rejected in 1885

"I who visited the land in dispute yesterday in presence of all the parties. I have found that Masjid built by Emperor Babar stands on border of Ayodhya; that is to say, to West

and South. It is clear of habitats. It is most unfortunate, Masjid should have been built on the land specifically held sacred by the Hindus, but as the event occurred 356 years ago, it is too late now to agree with the grievances: All that can be done is to maintain the party in status quo, in such a case as the present one any innovation may cause more harm and derangement of the order than benefit.”⁴⁹

18.13. Although there was no order restraining the Muslims from going to the disputed structure or from offering namaz therein either by the judiciary or from the administration, yet namaz was not offered at the disputed structure since 1934. No processions were taken out inside the disputed structure nor any grave dug thereabouts⁵⁰.

18.14. Over time, the bifurcation of the courtyards and the cleavage between the Hindu and the Muslims intensified and became even more prominent.

18.15. I also need not go into the fact: whether security was provided to the disputed structure at all or whether there was any threat to the disputed structure earlier or even in 1947. Though some documents and books about historical background have been placed before me and some references were made of attempts of Hindus to repossess the disputed structure before 1949, the reasons for the failure are considerations which need not concern the present enquiry.

⁴⁹ Reference may be made to CW28/2 and to “Historical and Legal Perspective” by Justice Devki Nandan Aggarwal, judgment published by the Bar Council of India Trust.

⁵⁰ DB Roy (CW7)

19. The formation of the Rashtriya Swayamsevak Sangh and rise of the “Hindu Nationalism”

- 19.1. The constant bitterness between the two communities is a historically accepted and recorded fact. This Hindu-Muslim discord may possibly have been the catalyst for the birth of Hindu nationalism, Hindutva, cultural nationalism, Hindu Rashtra and for organisation of divergent groups of Hindus within the Hindu society. This and other various ills of division, castes, untouchability or other hidden desires to acquire political or other power or wield influence on the public at large may well have been the reason for the founding of the *Rashtriya Swayamsevak Sangh* (RSS). It so emerged from the reading of the objects of the RSS.
- 19.2. The sole fact worth noticing is that the proclaimed and published object of the RSS was Hindu nationalism; to organise and bring together the divergent groups within Hindu society and to revitalise it on the basis of *Dharma* and *Sanskrit*, as propagated by Veer Savarkar.
- 19.3. Veer Savarkar concluded the real cause of failure to arrive at comprehensive as well as correct definition of “Hindu” lay in the popular error of identifying the word almost entirely with a religious aspect alone. He therefore coined a new word “Hindutva” which he used to describe the religion. He used the descriptor “Hindu” to refer to the nation because they acknowledge India as their fatherland of worship. Among Hindus, he included the Jains, Sikhs etc. because these were religions of Indian origin. Christian and Muslims were

excluded, because they came from outside India. The term Hindu thus came to be used to express the totality of cultural, historical and national aspects along with religious “Hinduness”.

20. The Hindu - Muslim Divide

- 20.1. The revival of religion in the neighbouring countries caused the notion of Hindutva to gain in popularity and strength. Savarkar had developed a powerful instrument invoking the emotion and passions of Hindus against the rest. He said, it is a definition of Hinduness, essentially national in its outlook and comprehends the Hindu people as Hindu Rashtriya. He observed that it came as veritable revelation and that Hindutva corresponds exactly to the definition of nation in modern political theory. He said Hindutva is not a word but history - not the cognate term Hinduism which is part of it. "Ism" meant theory or code more or less based on spiritual religious dogma or system. Hindutva embraces all departments of thoughts and activity of the whole being off our Hindu race.
- 20.2. There was Hindu-Muslim divide before the partition of the country. Bitterness between the two communities was constant and persistent from times immemorial. This divide escalated steadily and peaked at the time of the partition of the country in 1947 when Pakistan was carved out of India. Pakistan declared and constituted itself as an Islamic state. India chose to declare herself a secular, multi-religious, multi-regional and multicultural state. The partition resulted in an unruly exchange of populations, which left a sad scar on the psyche of a large section of society in the country that persists till day in spite of a half a century having gone by.

- 20.3. The post partition leadership, inspite of its undisputed credibility and sincerity, failed to root out communalism and the division on the basis of casteism, religionalism, regionalism etc. which are the sources of communalism. The post-partition leaders did make substantive effort to root out communalism or reduce the cleavage between Hindus and Muslims.
- 20.4. Some of the leaders of present day possibly have honest intentions of rooting out communalism, casteism etc. It may however be observed, that unfortunately no serious attempt is being made by the leadership of known or proclaimed political parties, religious leaders of all shades in the country, philosophers , or thinkers or the intellectuals to remove communalism or dilute the bitterness amongst the communities or castes and among followers of the different religions specially Hindus and Muslims. LK Advani⁵¹ stated *“I would emphasise that in India, political parties are conscious of the fact that there are casteist vote banks – Brahmin vote bank, Dalit vote bank, Thakur vote bank – there are minority vote banks like Christian vote bank, Muslim vote bank, and Parsis vote bank. But there is no such thing as the Hindu vote bank and so those who are interested in vote banks appealed either to caste or minority denominations. Between 1949 and 1986, Ayodhya became a matter of public controversy or an issue. Political parties thought it would give political dividends. The turning point was Shah Bano's case.”* He went on to say *“...communalism, casteism, religionalism, regionalism etc are narrower loyalties – I feel that the weakness of the weak political parties for vote bank politics is the principal reason*

⁵¹ CW23

why these loyalties are promoted." This sentiment was corroborated by VP Singh⁵².

- 20.5. Gathering from practice, preaching thoughts, previous precedents and beliefs that bitterness slowly again grew and continued to become a morbid obsession with section of society as it was before partition. Predominantly majority of Muslims were believed to be violent. It was because of the cleavage between Hindus and Muslims, and the assumption that Muslims tended to be violent, that Swayam Sevaks were given training in wielding Lathis etc. to counter it. Hindu nationalism admittedly is preached or imbibed through over 40,000 *Shakas* held all over the country⁵³.

⁵² Reference may be made to the statement of LK Advani, VP Singh, and Narasimha Rao.

⁵³ Reference may be made to the statement of Madhav Godbole and his book "Unfinished innings"

21. The events from 1949 onwards

- 21.1. After the partition of the country in 1947, Mahatma Gandhi was assassinated on 31.1.1948. Subsequently and as a consequence, members of RSS were arrested and the organisation was banned up till 1949.
- 21.2. A grievance was made in early December 1949 that travellers coming to stay in the Babri mosque were teased. The Puja used to take place on the platform. As a result of the airing of this grievance, a danger to the mosque i.e. the “disputed structure” was apprehended. A police picket was thereafter set up because of this ongoing bickering between Hindus and Muslims with respect to the spot. A police post was established on the 10th of December 1949 as is evident from the report of the *Wakf* Inspector of even date.
- 21.3. No noticeable event took place between 1947 and the 23rd December, 1949. On that date, idols of Ram Chander Ji (Ram Lalla) with inscription of ‘Sri Ram’ were installed in Garb Grah. As a consequence, an FIR was registered against Abhay Ram, Sideshwar Rao, Shiv Charan Dass and 60 others. The Commission need not go into the question whether idols were installed or they had miraculously appeared as some of hard-core fundamentalists and the protagonists of the movement claimed during the course of their evidence. That controversy is not within the purview of this inquiry.
- 21.4. Ram Dubey, officer in-charge of police station recorded the following FIR.
"At about 7 AM I reached Janam Bhoomi, I came to know from the constable Mata

Pershad who was on duty, that in the night 50 to 60 persons had entered in the mosque by breaking lock, scaled the walls, established the idols of Shri Ram Lalla, and written with geru and yellow colours on the wall 'Shri Ram'. Constable Hans Raj who was present on duty at that time told them not to act in that manner but they failed to listen to him. The PAC force which was posted there was called, but by the time it reached there, they had already entered the mosque." Puja and Bhajan were started.

21.5. The Central Government as well as the State Government had taken an exception to the installing of the idols. Enquiries were made from the then District Magistrate and Deputy Inspector General about their conduct as to why they were not able to prevent the crowd effectively when it was not so large.

21.6. Extracts from a letter written by Jawaharlal Nehru and a later letter written by Vallabh Bhai Patel to GB Pant sheds some light on the situation. *"Controversy has been raised at most inopportune time both from the point of view of the country at large and of your own province in particular. Communal issues recently resolved to the most satisfaction of various communities – Muslims are just settling, their new loyalties – it is unlikely there would be any transfer of loyalty on a mass scale. Communal relations have generally improved very considerably since 1946. We have our own difficulties in U.P. organisationally and administratively because of group formations. Issue should be resolved amicably in the spirit of mutual toleration and goodwill between the two communities. Great deal of sentiments behind the move was there which has taken place. Take the willing consent of the Muslim community with us – no question of resolving such dispute by*

force – forces of law and order will have to maintain peace at all costs – matter should not be made a live issue – any accomplished facts should not be allowed to stand in the way of an amicable settlement.” After a tentative initial technical objection about the admissibility, which was not pressed later, the factum and contents of the correspondence were admitted by LK Advani.

21.7. District Magistrate KK Nayyar stated *inter alia* that there was no forewarning through any intelligence channel despite the rumours that idols would be installed on the occasion of *Ram Naami*. There were no complaints about it, and none in fact from Akshay Bhramchari, a strong protagonist of the Muslims. The rumours about contemplation and declaration of installing the idols by one Abhay Ram Das, a self-proclaimed Sadhu who was not a popular or credible Mahant or leader were not believed to be trustworthy. The Mosque was used for only one hour on Fridays, while the people did puja in the temple round the clock. A declaration of any preventive steps including the arrest of the leaders would not have prevented the mischief. In order to prevent the Hindus from entering into mosque a permanent policing arrangement would have been required, which had not been implemented despite over 36 years of controversy. The decision for policing lies with the Government however no such case for policing was made out.

21.8. Reference with respect to Banaras and Mathura was made by the District Magistrate. It was pointed out that the surreptitious removal idols, though possible, would have raised a question of administrative consequences, and administrative bankruptcy and tyranny. Such a removal of idols would amount to interference in his administrative and judicially justifiable order,

which he did not want to exercise other way for removal of the idols. He opined that a solution other than the removal of idols be found. He also pointed out that removal of idols was liable to endanger public peace over the entire district. Emphasis was laid that Hindus were behind the demand of keeping the idols in spite of their divergent opinions about the way they had been installed. As a believer in Hindu rituals, he also pointed out that nobody was available to remove the idols in a ritualistic manner. He sought to be relieved rather than to risk aggravating the situation. At the same time, the District Magistrate agreed that the installation of idols in the mosque was certainly an illegal act, which had put not only the local authorities but also the government in an awkward situation. He specifically mentioned to the government that the situation was pregnant with the possibility of future riots despite a decision being in favour of Muslims. He suggested that an amicable settlement between the two communities outside the court was the only solution to the dispute. He informed further that thousands of licensed firearms owners had promised support against the police and its officers in the eventuality of idols being removed. It was observed that the Hindus were united in the demand for retaining the idols despite their dis-uniformity with respect to propriety of the act. Their readiness to kill and die for the cause too was observed. A number of other apprehensions were pointed out in his reply. A similar reply was sent to the Chief Secretary on 27th of December 1949⁵⁴.

⁵⁴ Refer to CW8/A, CW8/B

- 21.9. The District Magistrate pointed out that there was a public demand for opening the gates of the temple and bemoaned that a popular slogan coined and prevalent was “*Nayyar anyay karna chodh do, Nayyar Bhagwan ka phatak khol do*”.
- 21.10. A police presence consisting of 1+4 personnel drawn from the district police was deployed during this period at the spot. This fact is not in dispute.
- 21.11. Post 1949, interestingly enough, the District Magistrate and his wife and even his employee contested election on the ticket of Hindu organisations.
- 21.12. The stance adopted at the time, apart from the refusal to remove the idols, would constitute a clear signal that a war had started brewing in the minds of the people and diagonally opposite views had started to be formed on whether disputed structure was a mosque or a temple. The seeds of future discord were sown by the District Magistrate.
- 21.13. It is equally clear that the post-independence polity and the constitutional executive had surrendered to the bureaucracy. The country which was barely settling down and recovering from the scars of partition was faced with this bureaucratic insolence and bias evidenced from the correspondence between the Chief Minister and Pandit Jawaharlal Nehru; letters addressed by the District Magistrate to the Government, acts of insolence and defiance and a conscious disregard for the Government’s orders. It cannot be lost sight of that it was one of the circumstances which finally led to the fateful event.
- 21.14. From the various undisputed facts and from a close reading of the entire evidence, oral and documentary, the following facts emerge. No significant

event worth noticing took place from 1950 to 1959. It may be observed that two suits were filed, one by Gopal Singh Visharad and other by Mahant Paramhans Ramchander Dass of *Nirmohi Akhara* for removal of receiver and handing over the charge of the disputed structure to them and receiving the offerings. An injunction restraining the UP Government from removing the idols and interfering with the puja was also sought.

21.15. No movement, much less involving any political party or religious stalwarts of the time was launched by way of agitation, etc. No steps were taken either through the process of courts or legislation or by any other means relating to the disputed structure by any political party or social organisations like the RSS, VHP, Hindu Maha Sabha, Jan Sangh – the predecessor of the BJP etc. The issue remained on the back burner and was of no general consequence, even for the forerunners of the movement. This state of affairs was to continue until 1984, when the possibility of using this as a political tool dawned on a few self styled leaders on the pretext of protecting Hinduism or Hindu culture. It was thus propagated by high-profile thinkers/philosophers and by some literate section of Hindus.

21.16. The Hindu and the Muslim leadership thus embarked upon this misadventure without even remotely considering the common good or the good of the nation as such. They were busy in articulating their claim and counterclaim and airing issues, generating and perpetuating fissiparous feelings for their own political gains. The follies of the past were brought to the forefront even while the nation was in the process of rehabilitation and establishing a united country.

- 21.17. It was pointed out by Acharya Dharminder Dev⁵⁵ that in 1959, the Hindu Mahasabha can loosely be termed to be *in para materia* with the RSS or its predecessor and it started the movement for liberation of Kashi and Vishavnath Mandir at Varanasi. From evidence recorded or produced, it is obvious that during all these years the Ayodhya dispute was limited to local religious organizations, i.e. within Faizabad district primarily.
- 21.18. From 1949 to 1961 the only claimants were the Pujaris or local Sants who were litigating in the civil courts. Substantively, their claim and prayer in the civil cases was only respect to their right to construct the temple, either at disputed structure or Chabutra, to worship and perform Puja Archana or Aarti and the collection of offerings to idols. However, consequential and incidental relief for restraining the Muslims from going to disputed structure, injuncting the authorities from interfering with rights of Hindus to worship or perform puja and Archana, etc of the idols installed in disputed structure in 1949 was also sought.
- 21.19. Thus the installation of idols gave rise to civil and criminal litigations. The Disputed structure was attached and a receiver was appointed; an injunction was issued on 19.1.1950 restraining the removal of idols and this was affirmed by the High Court on 26.4.1955. Permission to carry out puja of the idols was granted. The inner courtyard was locked. Muslims were not allowed entry in the mosque by the administration. Various suits like the one filed by Gopal Singh Visharad and Paramhans Ramchander Dass, Sunni Wakf Board, Devki Nandan, Nirmohi Akhara etc, were filed from time to

⁵⁵ CW10

time commencing from 1950. No immediate significant event took place except the civil litigation and orders of courts in court proceedings during the years 1950 to 1959.

21.20. It was only in 1961 that the *Sunni Wakf Board* firstly staked its claim for possession of the disputed structure and land around it through a civil court. The Board in December 1961 filed a civil suit for possession. It was accepted in the White Paper. All the suits pending at the time were thereafter consolidated and issues were framed by the High Court.

21.21. There was neither any agitation nor movement nor any coherent demand projected up till 1975. There was no question raised about it in any legally recognised forum, except in the civil courts by way of suits referred to earlier. The situation in Ayodhya was a non-event as far as the legislatures of UP, the Central Government, the Jan Sangh⁵⁶, RSS, or the VHP⁵⁷ were concerned. No contrary evidence was placed before the Commission by anyone. It was neither pointed out during the course of enquiry, nor when the Commission was being addressed, nor can any mention in any record or the write ups or the articles or the history that any such dispute was either raised, latently or patently, by them or staked any claim to it.

21.22. No party or organisation or association other than individuals like Paramhans Ramchander Dass or his Akhara or the Wakf Board ever approached the court or became a party to the litigations either to defend or to prosecute the

⁵⁶ *the predecessor of the BJP*

⁵⁷ *a front organisation of the RSS*

same. It is thus abundantly clear, uncontroverted and clearly established that the dispute, if at all there was any, remained confined to Ayodhya or the local vicinity. It was not even a state dispute much less national or international. This was not a dispute relating to the Hindu religion; no major religious sect or followers had exhibited any interest in the matter nor staked any claim therein. It was only local self-styled leaders or Mahants who were themselves pursuing the civil litigation for possession of the disputed site.

22. The emergence of the *Sangh Parivar*

- 22.1. VHP was constituted in 1964 with the object of consolidating and strengthening Hindu society. The stated aim was to spread Hindu faith and to protect, develop and spread the Hindu values of life within the ethical and spiritual domains. It was also desired to establish and reinforce contacts with Hindus living abroad; to establish an order of missionaries in order to initiate the propagation of dynamic Hinduism representing the fundamental values comprehended by various faiths and denominations. The Parishad included Buddhist, Jains, Sikhs, Lingayats, etc. It was supposed to spread knowledge and to preach ethical and spiritual principles, to spread practice of Hinduism suited to modern times in all parts of the world. Branches of the association were started in different states and Union Territories throughout India.
- 22.2. The Parishad functioned as such till it jumped onto the Ayodhya bandwagon sometime in 1980. After the 1980s, calls for various *Andolan*, *Karsevas* were made. The VHP claimed to be the lone voice of the believers in Ram, and Hindu religious community till 1990.
- 22.3. The Rashtriya Swayamsevak Sangh and its leadership supported the claim for the demolition of the disputed structure and reconstruction of temple Ayodhya issue from the very beginning directly or indirectly, some time while some time other openly. The BJP joined the bandwagon by passing a resolution at Palampur in 1989 to support the construction of the temple at the disputed structure and various other programmes associated with it. It

was admitted that the important leaders were already supporting the claim and other programmes associated with the construction of temple.

- 22.4. It was tacitly admitted and in the absence of any suggestions to the contrary, nobody other than VHP was the frontal organisation and the face of the movement. The individuals claiming the rights to the temple, or intending to launch the movement, at some point of time or other, all became a part of VHP, or religious bodies or associations claiming to be protagonists of movement.
- 22.5. All the supporters of the construction of the temple at the disputed structure collectively came to be known as the *Sangh Parivar*.

23. The 1960s and later events

- 23.1. In 1967 with the support and participation of Jan Sangh, a non-Congress Government was formed in the Uttar Pradesh. No dispute was raised with respect to disputed structure. It was claimed by Mulayam Singh⁵⁸ that there was tendency to use the support of religious organisations claiming the disputed structure. It used to be there secretly with an object to provoke Hindu sentiments. No opinion needs to be expressed on it.
- 23.2. No significant event or fact has come on record either in the oral evidence or documentary evidence or records for the period between 1967 and 1975 except for the continued legal wrangling which were in progress.
- 23.3. In 1983, Rajinder Singh of the RSS, Dau Dayal Khanna and Gulzari Lal Nanda⁵⁹ intermittently raised the question with respect to the “liberation” of disputed structure.

⁵⁸ *DW 12*

⁵⁹ *Union Minister*

24. Ayodhya turns into an “issue”; the creation of specialized organisations

24.1. The VHP took charge over the management of the dispute and the cause of “liberation” of the alleged temple at Ayodhya in November-December 1983. Paramhans Ramchander Dass⁶⁰ candidly admitted before the Commission that multiple *Rath Yatras* including the *Kalash Yatra* etc were taken out and other measures were taken with respect to raising awareness and raising the public sentiment and ire over the disputed structure; especially in the Hindi-belt and in UP by small time local self-proclaimed religious leaders and other political garnerers.

24.2. These *Yatras* did not have the desired effect. It did not create any impact on the people or the public at all, in and around Ayodhya, much less at the state or national level⁶¹.

24.3. Following a decision, the movement launched on the 24th September 1984. In continuation, a *Sankalp Divas* was observed on the 7th October 1984 at the banks of Saryu River. Oaths to protect Hinduism, liberation of disputed structure and for securing the opening of the locks at the disputed structure were administered. A procession was organised from *Sita Marhi* in Bihar to Ayodhya. *Ram-Janki Rath Yatra* started from *Bhagwad Acharya Sadan* on the 8th of October 1984 for Lucknow. These efforts were neither successful nor

⁶⁰ DW-11

⁶¹ Reference may be made to the memorandum of association, the statement of V.H. Dalmia (CW27), Asbok Singhal (DW9), Acharya Giriraj (CW28), Kishore, Mulayam Singh (CW12) and NC Pandhi (CGW32) etc.

noticed by any significant section of the people. Ram Janam Bhoomi action committee was constituted for launching the *Tala Khola* movement.

- 24.4. In April 1984, the VHP constituted a *Dharam Sansad* as the frontal face for the movement. Though devoid of any legal status, the *Dharam Sansad* was for reasons of expediency and the need, put at the forefront of the movement with respect to disputed structure. It held its first meeting in Delhi on 7th and 8th of April 1984, where the movement was accepted by the most of the prominent leaders including Ashok Singhal. Similarly a *Kendriya Marg Darshak Mandal* too was constituted as one of the bodies of VHP, again with no legal status.
- 24.5. Another organizational unit named the *Bajrang Dal* was constituted in Digamber Akhara on the 7th of October 1984. This was the youth wing of VHP and received the blessings of the Paramhans Ramchander Dass who was present on the occasion and was its guiding force. Vinay Katiyar was appointed the president of the Dal. He stated that its object was to eradicate the evil customs, western culture amongst Hindu young men and to mobilise support for the construction of temple in Ayodhya in place of the disputed structure. The protection of cows, stopping the forcible conversions and to convert the Hindu youth into a strong force capable of a solution for construction of the temple, were other stated objectives. A local legislator, Katiyar declared himself to be the Bajrang Dal; Bajrang Dal was his life; he lived for Bajrang Dal, he said. He admitted that it had a fluid structure without any constitution. Anybody wearing a saffron *Patti*⁶² of the Bajrang

⁶² Saffron headband

Dal was its member. The principles and rules were capable of being changed by him at will and this was done not infrequently. On the 19th of December 1985, a *bandh* was enforced by the Bajrang Dal in support of its demand for the opening of the locks at Ayodhya.

24.6. The *Ram Janam Bhoomi Mukti Yajna Samiti* or *Dharam Sthan Mukti Yajna Samiti* was formed in the Digamber Akhara in June 1984. Dau Dayal Khanna was nominated its convenor and general secretary; Nritya Gopal Dass, Paramhans Ramchander Dass were the Vice-Presidents and Aavidyanath the President. Later, Mahant Aavidyanath was elected as its President, who on 1st July 1984 in the meeting held at Balmiki Bhavan nominated Nritya Gopal Dass and Paramhans Ramchander Dass as Vice Presidents with Onkar Bhawe, Mahesh Narain Singh and Dinesh Tyagi as Secretaries. On the same day the *Ram Janam Bhoomi Action Committee* was constituted to launch the *Tala Kholo* movement. This was admitted by Ashok Singhal⁶³ and others before the Commission.

24.7. A *Ram-Janki Rath Yatra* was taken out from Delhi via Prayag on 16th of October 1984, reaching Chitrakoot on the 22nd of October 1984. The *yatra* covered the entire country and in particular was in UP on Vijaydashmi day. Vociferous demands for the “liberation” of the disputed structure and opening of its locks were made. The *yatra* was postponed only on the 31st October 1984 following the assassination of Indira Gandhi⁶⁴. It was never in

⁶³ DW9

⁶⁴ Refer to the statements of Acharya Dharminder Dev (CW10) and Ashok Singhal (DW9)

dispute that the Yatra neither met with any success nor was it noticed by the people in any significant numbers.

- 24.8. A reception was held in Lucknow in October when the Ram-Janki Rath Yatra reached there. It was followed by a *Virat Hindu Sammelan* where it was decided to submit a memorandum to the then Chief Minister. A delegation of Mahant Avaidyanath, Dau Dayal Khanna, Bhooma Nand, Paramhans Ramchander Dass, Ram Murat Sharan, Jagatguru Ramchander Acharya, Shiv Ram Acharya and Ashok Singhal met the Chief Minister thereafter. Significantly, no demand for demolition of disputed structure or construction of a temple in its place was made⁶⁵.
- 24.9. In his testimony before the Commission, Vinay Katiyar employed the metaphor of “a displaced person” for the disputed structure. “They accept it to be illegally owned by them, we pay quarter tax and house tax; they spread dirt, we broom it.”
- 24.10. The movement for the opening of locks by VHP and *Ram Janam Bhoomi Mukti Yajna Samiti* continued until February 1985. A decision was taken on the 20th of March 1985 to raise a cadre of 50,00,000 *Ram Bhakts* as sacrificial groups. It was threatened that if the locks were not opened by the 8th of March 1986, the Sants would forcibly open the locks themselves. Mahant Paramhans Ram Chander Dass announced his decision to immolate himself on the 18th of April 1985, if the locks of the disputed structure were not opened by the forthcoming *Ram Naomi*.

⁶⁵ Refer be the statement of Ashok Singhal (DW9)

24.11. There was no other significant event in 1985 as such. Ram Janki Rath Yatra was restarted on 23rd October 1985; The second Dharam Sansad meeting was held. Struggle for liberation of disputed structure was planned⁶⁶.

24.12. Though no specific evidence has come on the record, the statements of Ashok Singhal DW-9 and other witnesses strongly suggests that support was mobilised from the VHP, RSS and other Hindu minded parties and also of prominent members of the Hindu society. Mahant Paramhans Ram Chander Dass testified that the RSS, VHP and other Hindu organisations and believers in Hinduism were requested to support the movement as they were of the opinion that it could not succeed without the support of a party at the national level. It would be expedient to reproduce the statement of Mahant Paramhans Ram Chander Dass⁶⁷ in verbatim,

"Since we were of the opinion that movement cannot succeed without the help of party at national level. Since the RSS and VHP are believers in Hinduism so were requested to do so."

24.13. One can safely conclude that he was referring to the VHP, RSS, and BJP, Bajrang Dal, Hindu Maha Sabha, Shiv Sena etc as the Hindu minded parties. In public perception too they are reputed to be Hindu minded organisations.

24.14. KS Sudarshan corroborated the fact by stating that Ram Janam Bhoomi Yajna Samiti rightly sought the support of gentlemen of Hindu society in the

⁶⁶ This finds corroboration in the BJP White Paper

⁶⁷ DW11

country. He exhorted them and asked them to follow Sants' decisions on the movement. The All India working committee of the RSS gave an assurance of its total support. The RSS welcomed the idea of the opening of locks and exhorted its workers to support the rambling movement⁶⁸. It emerged from the statements of Paramhans Ramchander Dass & KS Sudarshan, that only Hindu organisations and believers in Hinduism were requested to join the movement as without their support it could not succeed. The Akhil Bharatiya Pratinidhi Sabha, a wing of the RSS, passed the following resolution

“The Ram Janambhoomi complex locked by the Government has been opened because of Court orders. The restrictions were removed. The Puja ceremonies started there in full swing... .. Yet the task of renovation of the temple remains incomplete. Independent demands were raised that all public vestiges of foreign domination disfiguring our national scene need to be washed clean. The ancient but dilapidated Ram Janambhoomi temple too needs to be restored to its old glory. Then alone the agonised cry of the nation’s conscience will be assuaged.”

24.15. On 19th January 1986 in Sants' conference at Lucknow, it was decided to commence the struggle on 8th March 1986 and break open the locks if the same were not opened by that time⁶⁹.

⁶⁸ Refer to CW18/14

⁶⁹ Mentioned in the BJP White Paper

25. The opening of the locks at Ayodhya

- 25.1. In January 1986, the campaign for opening of the locks formally started. Umesh Chandra Pandey on 21st of January 1986, made an application to the *Munsif* for opening of locks on the gates in the railing and hearing on the application was fixed for the 1st of February. In fact, he was not a party to any of the suits in which the application for opening of locks was made. The application for preponing the date was declined.
- 25.2. In an appeal preferred by Umesh Chander Pandey on 1st of February 1986, against the order declining the preponement of the date of hearing, the District Judge directed the opening of locks holding that the law and order problem would have to be addressed by the District Magistrate and the Government of the day. The District Magistrate told the District Judge that unlocking of the locks would not pose any law and order problem. The reason for such an order passed by the District Judge, as given in his autobiography, makes interesting reading.
- 25.3. It narrates the visit of a monkey to his home, then to his courtroom and then back to his house before, during and after the pronouncement of his judgment. The monkey, he said, did no harm. He made an attempt to convey that the monkey inspired or directed him to pass a judicial order in an appeal against the order declining the preponement of the date by the subordinate judicial officer, that too on the application made by a non-party to the suit.

26. Protests and other initiatives after the opening of the locks

- 26.1. The Muslim's *All India Babri Masjid Action Committee* was constituted on the 15th of February, 1986⁷⁰. The opening of locks was challenged in public meetings and a "black day" against the opening of locks was observed on 12th May 1986 as a protest. Various Muslim organisations like *Babri Masjid Movement*, *Central Action Committee for Restoration of Babri Masjid* and various other committees or their affiliates were floated. Competitive mobilisation was carried out in 1987 by the AIBMC and the protagonists of construction of temple movement by giving calls for bandhs etc. The calls were followed by unrestrained provocative speeches.
- 26.2. Muslim members of the legislative assembly (MLAs) of UP met the Chief Minister to request a relocking of the site. It is noteworthy that no member of the Muslim community from Ayodhya was a member of the Babri Masjid Action Committee or any other committee protesting the opening of locks at the disputed structure. Sultan Shahabuddin Owaisi, a member of parliament from Hyderabad challenged the opening of locks and along with some others became a forerunner for taking on the Hindu organisations.
- 26.3. A Cabinet Committee on Political Affairs headed by Narasimha Rao was constituted on 27th of April 1987. The objective of the committee was to suggest ways and means to resolve the issue. On 21st and 28th of May, Buta Singh the Union Home Minister at the time requested the Chief Minister to

⁷⁰ Stated by Shahabuddin and corroborated by Ashok Singhal.

take steps in time frame to resolve the issue. Finally, it was decided to leave the matter to be decided at local level with local initiative. At this time, it can safely be stated, that the construction of temple movement had started assuming political dimensions and overtones. The political significance and potentiality for electoral purpose was becoming increasingly obvious.

- 26.4. Muslims variously protested between 1st of January to the 30th of March 1987. Apart from giving calls for, boycotting Republic Day (which call was later withdrawn) *bandhs* were observed and a public rally held at Boat Club in Delhi. Public threats of violence were made by personalities no less than the *Shahi Imam* of the *Jama Masjid*, Shahabuddin and Suleiman Sait etc.
- 26.5. Protagonists on either side of the dispute mobilised the people, held meetings, gave calls for *bandhs* etc throughout 1987. They gave emotional and provocative speeches and made appeals for their respective claims. At political and governmental levels, some insignificant steps of constituting committees to deal with the situation were taken however a conscious decision as already mentioned, to allow the issue to be decided or resolved at the local level was already in place.
- 26.6. Given the political and electoral dimensions of the issue, proposals for a compromise were shot down and dubbed as mischievous by both sides⁷¹.
- 26.7. The third Dharam Sansad was held at Kumbh at Prayag on January 30th and 31st, 1986. At the Sant Sammelan, programmes for Ram Shila Pujan and Shilanyas on 6th November 1986 were announced. It was proclaimed that this

⁷¹ Refer to the letter by Shahabuddin exhibit Mark X3

decision had been confirmed in the meeting of Sants of all sects in Haridwar on 27th May 1986.

- 26.8. The *Dharam Sansad* in January 1988 at Kumbh at Prayag declared the details of the programme for Shila Pujan with effect from 9.10.1989⁷².
- 26.9. Protagonists of Masjid Group decided to oppose it, by taking out long march, while the Sants decided to oppose it in their meeting held at Haridwar.
- 26.10. Shahabuddin⁷³ shunned all rumours of a compromise with respect to shifting of the mosque alleged to be proposed by RSS. He expressed the opinion that accepting such a proposal would open the proverbial Pandora's box of issues and problem. He denied having made any such offer of a compromise and dubbed a mischief of the RSS⁷⁴.
- 26.11. The UP Government on the 15th of December 1987 made an application to the UP High Court of UP requesting it to withdraw all pending suits from the subordinate courts to the High Court file for trial and disposal.
- 26.12. During negotiations and the attempt to bring compromise, the Home Minister asked the Chief Minister to prepare alternative plans for resolving the issue by 31st of March 1988.

⁷² Refer to the statement of Ashok Singhal

⁷³ vide his letter dated 11th July

⁷⁴ Refer to his letter of 4th July 1987

- 26.13. The Masjid group took a decision to go on a march to Ayodhya on 12th of August 1988 and then to take out a long march on 14th of October 1988 to Ayodhya. The Sants at Hardwar decided on 4th July 1988 to oppose this programme⁷⁵.
- 26.14. A meeting to review the situation and in order to find solution and in order to defuse the tension was held by the Home Minister of India with the Chief Minister UP, the Government of UP, Central Government, Shahabuddin and Suleiman Seth etc. Col. B.S. Zaidi, Kalyan Singh, Khursheed Alam Khan also participated in the meeting held on the 13th July 1988. The leaders of both sides asserted that there was neither any question of negotiation on Ayodhya issue, nor the problem could be solved through judicial process as it related to the centuries-old faiths. At the same time, various reasons and evidence was put forth with respect to their respective claims.
- 26.15. The Government of India issued a Press release on 13th of July 1988 stating that “[t]he Government is determined to take necessary steps to find an acceptable solution through negotiations and urged upon all concerned to respond positively to the negotiations. The Government offers its good office to respective parties in this respect. In the unlikely event of negotiated settlement, not coming through, the Government would take steps to expedite the legal process through the High Court. I, therefore, earnestly appeal to all the concerned to give up the agitational approach and cooperate with the government to find an acceptable solution”⁷⁶. The Home

⁷⁵ Refer to the BJP's White Paper

⁷⁶ This finds corroboration by Ashok Singhal.

Minister repeated his request to the Muslim members to give up the confrontationist stand.

26.16. The Home Minister of India held a number of meetings with Shahabuddin, Khursheed Alam Khan, Suleiman Seth, Kalyan Singh and Ram Janambhoomi Mukti Yajna Samiti between the 1st of September and the 13th of October 1988, where it used to be proclaimed that the question of negotiations on Ayodhya does not arise. Protagonists of the temple movement kept repeating that Ayodhya being one of the most sacred places of Hindus, the solution of the problem through judicial process or the legal solution to the problem would not be effective, as it related to centuries-old faith of Hindus; the scriptures and historical evidence establishes it to be a temple. It was emphasized out that key elements found in most mosques, like the *minars* were not present in the disputed structure. It was also claimed that the structure had Hindu religious signs engraved upon it whilst Islam did not permit any sharing of a mosque. On the other hand, the Muslim group demanded the removal of idols from the mosque. It was pointed out that solution was not possible through negotiations as hardliners among Hindus would not accept it. Impartial administration at local level and steps for expediting the legal process were sought.

26.17. Kalyan Singh admitted that there was a tense situation in existence, riots were taking place in Ajmer and Muzzafar Nagar. This situation was attributed to the proposed long march on 14th of October and the proposed Bandh against long march by Paramhans Ramchander Dass. Aggravation from either side was not disputed before the Commission.

26.18. During a meeting on 12th October 1988, the call for the proposed long march was withdrawn. Still, the *bandh* was observed in UP on 14th of October 1988⁷⁷.

⁷⁷ Refer to the statements of Shahabuddin and Ashok Singhal.

27. The events of 1989

- 27.1. On 1st February 1989, the Sants made a declaration that the foundation stone for construction of Ram Temple would be laid on November 10, 1989⁷⁸.
- 27.2. Leaders of the movement in a conference at Prayag Raj during Kumbh announced the proposed Shilanyas to be carried out on 9th of November 1989. A model of the proposed Ram temple was displayed and approved.
- 27.3. Simultaneously a meeting was held by the Home Minister with Shahabuddin. A letter dated 25th January 1989 was addressed to the Government of India for expediting the legal proceedings and the process of enactment of law to protect all the places of worship as they existed on 15th of August 1947 to be carried out. Release of persons arrested in connection with the agitation, action against inflammatory and defamatory publications and slogans mongers against any community and putting of restraint on such acts was sought.
- 27.4. The Home Minister of India held a meeting on 29th of March 1989, with the senior leaders of the opposition parties. It was attended by Home Minister Narasimha Rao, KC Pant, Mr. Bhagat, Rajendra Singh and two Ministers of State for Home. No representative of BJP was present in the meeting. Narasimha Rao acknowledged it to be a national problem and a problem concerning all political parties and that it had political dimensions. It was

⁷⁸ Refer to the VHP booklet "EK Parichya" marked MX and to the BJP White Paper.

pointed out that if it was not legally settled, a way had to be found for defusing the situation. No common ground emerged however, in the meeting.

27.5. In June 1989, the BJP took a historical decision not only to support the Ayodhya movement but to participate in it, if any step were taken for it and spelled out various reasons for this decision. It was alleged that the Congress had campaigned against the BJP and the VHP in order to get Muslim votes and had accused the BJP of defying judicial determination of the issue. The BJP perceived that Congress was taking an anti-Hindu stance under the veneer of secularism to appease Muslims. The other political parties accused the BJP of betraying the minorities in the country.

27.6. It was commonly held view within the BJP that the nature of controversy was such that it just could not be sorted out by court of law i.e. whether did Babar invade Ayodhya, destroyed temple and built a mosque in its place? Courts, it was said, could not suggest ways to undo the vandalism of history. The pending civil suits and the observations made by various judicial officers were recounted. It was concluded that Muslims had not used the disputed structure since 1936 and that the Hindus had been performing Puja there. References to the restoration of the Somnath temple were also employed. “Secularism” had come to be equated with “allergy to Hinduism” and synonym for minority appeasement. Muslim League lobby acquired new militancy and aggressiveness. The legislative amendments brought in law after Shah Bano’s case was given as yet another example of the lack of earnest desire to solve the problem.

27.7. Other instances or events were also cited in support of the stance adopted by the BJP. These included the bifurcation of the country and the formation of Pakistan. It was said that secularism according to our constitution means *Sarva Dharma Sama Bhava*. It did not connote an irreligious state, and certainly did not mean rejection of our history and cultural heritage.

27.8. The Rajiv Gandhi Government at the Centre was asked to hand over the disputed structure to Hindus through negotiated settlement or else by legislation. Litigation was rejected as incapable of providing a lasting solution. In June 1989, the BJP passed a most significant resolution at its Palampur National Executive meeting. It was resolved that

“The National Executive of the Bharatiya Janta Party regards the current debate on the Ram Janambhoomi issue as one which has dramatically highlighted the callous unconcern which the Congress Party in particular, and the other political parties in general, betray towards the sentiments of the overwhelming majority in this country - the Hindus.

“... Though efforts have been continuing to persuade Muslims to respect the feelings of the Hindus and abandon their claim to the site, this site has also been subject matter of prolonged litigation.

“Lately, the Congress Government has unleashed a virulent campaign against the BJP and the Vishwa Hindu Parishad, which has been representing the Hindu point of view in the negotiations with Government, alleging that while other sections of opinion have accepted reference of the dispute to the Allahabad High Court, the BJP and the VHP are unwilling to abide by a judicial verdict

in this case. This propaganda is slanderous, and is based on a total misrepresentation of facts.

“The BJP holds that the nature of this controversy is such that it just cannot be sorted out by a court of law. A court of law can settle issues of title, trespass, possession etc. But it cannot adjudicate as to whether Babar did actually invade Ayodhya, destroyed a temple and built a mosque in its place. Even where a court does pronounce on such facts, it cannot suggest remedies to undo the vandalism of history. As far back as in 1885 a British Judge Col. F.E.A. Chalmers disposing off a civil appeal relating to the site observed in a helpless vein: ‘It is most unfortunate that a Masjid should have been built on land specially held sacred by the Hindus, but as that occurred 356 years ago it is too late to remedy the grievance...’ (Dated 18th March, 1886, Civil Appeal No.27 of 1885, District Court, Faizabad).

“In this context, it should not be forgotten that the present turmoil itself stems from two court decisions, one of 1951 and the second of 1986. “On March 3, 1951, in Gopal Singh Visharad versus Zabur Ahmad and others, the Civil Judge, Faizabad observed, inter alia, that ‘...at best from 1936 onwards the Muslims have neither used the site as a mosque nor offered prayers there, and that the Hindus have been performing their Puja etc. on the disputed site.’

“Then on 1st February, 1986, District Judge Faizabad referred to this 1951 order and directed that as “for the last 35 years Hindus have (had) an unrestricted right of worship” at the place, the locks put on two gates in 1951 on grounds of law and order should be removed.

“The 1951 order had provoked little reaction. Till then, secularism had not yet become a euphemism for Hindu-baiting, as it has become today. It is noteworthy that around this very time the Government of India, under the leadership of Pandit Nehru and Sardar Patel, and with the blessings of Gandhiji, had itself decided to undo a similar act of vandalism and to restore the great Somnath Temple at Prabhas Patan (Gujarat).

“When the Jyotirling was formally installed at Somnath, the country’s Rashtrapati, Dr. Rajendra Prasad, participated in the ceremony.

“However, by the time the second court order of 1986, came, secularism had come to be equated with an allergy to Hinduism and a synonym for minority appeasement. The Muslim League lobby in the country had acquired a new militancy and aggressiveness. The campaign launched by this lobby against the Supreme Court’s judgment in the Shah Bano Case in 1985 had brought it rich dividends. A panic-stricken Government had amended the criminal law; the Supreme Court judgment was legislatively annulled. Having thus tasted blood, this lobby set up the Babri Masjid Action Committee, and mounted a vicious assault on the decisions of the Faizabad Court, and went to the length of boycotting Republic Day celebrations in protest against these orders. A rally organised by this lobby in front of Parliament House actually held out threats of violence unless these orders were reversed. It is significant that most of the members of the Babri Action Committee belonged to the Congress (I).

“Against the above background, the reference made to the High Court is just an expedient device to sweep issues beneath the carpet. The move satisfied the Muslim League lobby, and so is electorally convenient. It certainly does not reveal any earnest desire on the part of Government to solve the problem.

“The BJP believes that theocracy is alien to our history and tradition. It is, therefore, that in 1947 even though India was partitioned on religious grounds and even though Pakistan declared itself an Islamic state, India opted for the present Constitution, and guaranteed equality to all citizens irrespective of their religion.

“Secularism, according to our Constitution-makers, meant Sarva-Dharma-Sambhava. It did not connote an irreligious state. It certainly did not mean rejection of our history and cultural heritage.

“The National Executive records its appreciation of the attempts made by some Shia leaders to persuade the community that it was contrary to the tenets of Islam to have a mosque built upon a place of worship of another religion, and that, therefore, the site in dispute should be handed over to the Hindus and a mosque built at some other suitable place. The BJP calls upon the Rajiv Government to adopt the same positive approach in respect of Ayodhya that the Nehru Government did with regard to Somnath. The sentiments of the people must be respected, and Rama Janamasthan handed over to the Hindus - if possible through a negotiated settlement, or else, by legislation. Litigation certainly is no answer.”

- 27.9. The VHP took over the stance which the RSS had, prior to 1989, canvassed covertly, overtly and finally openly, along with the underlying agenda. Ayodhya had finally become an issue, four decades after independence. Shila Pujan programme declared by the VHP had the unstinted support of the *Dharam Sansad* and the RSS; it was implemented through the RSS Swayam Sevaks⁷⁹.
- 27.10. Further tension started building up in 1989 with the decision of VHP to carry consecrated bricks (*Ram Shilas*) from all over the country for laying foundation stone of temple on 9.11.1989.
- 27.11. A highly sophisticated system was evolved; twenty two states were divided into eleven zones and twenty two provincial *sanyojaks* were appointed. The *Shila Pujan* was to be carried out for 3 to 5 days in every village and at subdivision. *Shilas* were to be taken in procession to the centre where for 3 to 5 days, a *Maha Yagya* was to be performed. Finally the *Shilas* were to be sent to Ayodhya by the 9th of November 1989.
- 27.12. The Sants conducted *Yatras* by travelling 20 to 25 kilometres everyday to various places canvassing the message of *Ram Janam Bhoomi*. The other members of Sangh Parivar mobilized, persuaded and motivated people for Shila Pujan in innumerable ways as well.
- 27.13. The Allahabad High Court on 10th of July 1989 while allowed the 1987 application of UP Government of 1987 and withdrawing all pending petitions to itself, and ordered them to be disposed off by the full Bench.

⁷⁹ Report on the activities of VHP with respect to Shila puja was noted in File No 4.200/30/D/89.

27.14. On 14th July 1989, a suit was filed by Devki Nandan Aggarwal, Vice President of VHP, seeking injunction.

27.15. The court also rejected an application for injunction against demolition vide its order dated 20th march 1989. In the order it was observed,

“that instant cases admittedly there is no such evidence which may lead us to hold that the Babri Masjid is intended to be demolished. The government had neither permitted nor negotiated with the VHP for demolition of the mosque, nor is encouraging them.”

27.16. The Allahabad High Court on 14th August 1989, while declining to injunct the Shilanyas, and the carrying of Shilas from all over the country for laying foundation stone of the proposed temple 9.11.1989, directed *status quo* to be maintained with respect to disputed site. It ordered that the nature of the property in dispute would not be altered and that it communal harmony must be maintained. The Allahabad High Court later issued a clarificatory order on the 7th of November 1989 that the *status quo* order included the site where Shilanyas was proposed to be carried out. It was left to the State Government to decide whether the Shilanyas Site was within the disputed site or not.

27.17. Around the time, a *Virat Hindu Sammelan* was held in England in August 1989. The religious leadership embarked on a tour for “awakening” the Hindus.

27.18. A public meeting was held at Boat Club Delhi on 22nd of September 1989. Warning was issued for launching bitter struggle, if any impediments or hurdles were placed in the Shilanyas programme, or Shila Puja programme or

in the steps declared by the organisers of temple construction movement. Various banners were put. Provocative slogans were raised and provocative speeches were made without any restraint either in the language and tone or texture. Slogans and speeches were directed against particular community. Slogans and speeches were innuendo, communal in the nature. Emotions were raised. It surcharged the atmosphere and emotions.

27.19. The Central Government was against using force at the time of Shilanyas. Ashok Singhal in Marg Darshak Mandal meeting described the Shilanyas as the *Karseva* for construction of temple.

27.20. A meeting of the Chief Minister, Home Minister of India and VHP took place on the 27th of September 1989. It was agreed between Government, VHP and Ashok Singhal not to force the issue, not to carry out VHP's perceived programme of Ram Shila and Shilanyas, and to respect the Court order of August 1989 for maintaining status-quo. A written accord between VHP, Ashok Singhal and Buta Singh who was acting for the Government was reached on the 27th of September 1989. The VHP agreed to give prior intimation to the concerned district authorities about Shila's processions, and agree for change of routes with them. The VHP also agreed that it would not raise any provocative slogans which might endanger communal harmony. *Ram Shilas* would be carried in trucks via predefined routes. Senior leaders or functionaries of VHP would take responsibility for guiding the processions and finally the *Ram Shilas* would be collected at a pre-decided spot at Ayodhya. It was categorically undertaken that VHP would abide by the

directions of Lucknow Bench of Allahabad High Court and to maintain communal harmony and peace⁸⁰.

- 27.21. Shila Puja Programme started being organised in villages and towns by the 30th September 1989 as per earlier declared programme.
- 27.22. During the parliament session, on 13th of October all the political parties resolved not to permit in or cooperate with the Shilanyas. The VHP was called upon to cancel the programme; the BJP did not participate in these parliamentary proceedings.
- 27.23. The general elections to the Lok Sabha was announced on 16th of October 1989. The VHP representatives informed the Home Minister on the 17th of October that the Shilanyas programme would not be postponed.
- 27.24. During the general elections of 1989, the issue was brought to the centre-stage of the national politics by BJP and RSS. Janta Dal secured 143 seats while BJP won 86 seats. A Janta Dal government was formed at the Centre with the support of BJP and Left Parties.
- 27.25. VM Tarkunde filed a writ petition in the Supreme Court and sought an injunction against the Shilanyas programme. The Supreme Court declined to interfere vide its order dated the 27th of October 1989. It was held by the court that the right to conduct religious processions was a fundamental right

⁸⁰ *The agreement between Buta Singh and Ashok Singhal is annexed to the report*

and therefore the ceremonial carriage of Shri Ram Shilas to Ayodhya cannot be stopped⁸¹.

27.26. By a notification⁸², the government acquired the land popularly known as Ram Janambhoomi for development of tourism.

27.27. On the call of VHP ostensibly given by the Sants, 3,50,000 Shilas were brought to Ayodhya by the 5th of November 1989 reached Ayodhya, for laying the foundation stones for the proposed temple at Ayodhya, by thousands of Sants and priests mounted on *raths* flying the flags bearing the Ram monogram. Devraha Baba rejected a request for change of venue of the Shilanyas.

27.28. UP Government had already declared the Shilanyas site as undisputed site on 7th of November 1989. It was declared that the site of Shilanyas did not form part of the disputed land or the structure. The UP Government and the VHP agreed to abide by the order of 14th of August 1989, mandating *status quo* over the land in dispute including the boundary wall. Shahabuddin and other Muslims expressed satisfaction at this. Ashok Singhal⁸³ claimed that the site for Shilanyas was selected by the scholars of Kashi and Chandrika Som Pura, an architect.

⁸¹ Refer to the statement of Shakshi Ji Maharaj (DW8)

⁸² DW-12/49, dated the 18th of October 1989.

⁸³ DW9

- 27.29. Shilanyas was carried out on the rectangular platform at the predetermined spot. According to Shakshi Ji Maharaj⁸⁴ and Ashok Singhal⁸⁵, the Shilanyas was carried out under the leadership of Ashok Singhal, Baikunth Lal Sharma⁸⁶, along with other leaders. On 9th of November 1989, one Kemeshawer Chopal, a Harijan Bandhu laid the first Shila in presence of people. Bajrang Dal hoisted a flag on the site on the 2nd of November 1989.
- 27.30. Ashok Singhal⁸⁷ and the *Marg Darshak Mandal* in public meetings termed the *Shila Nyas* as construction of temple⁸⁸.
- 27.31. As already noticed, the Marg Darshak Mandal and the Dharam Sansad etc. concededly had no legal status. They were an aggregation of individuals organised by and under the aegis of VHP. The VHP used to determine their agenda and decide those matters for them. The VHP would then proceed to carry out “decisions” of those aggregations.
- 27.32. The VHP in turn was the frontal organization for the RSS. A detailed analysis of the evidence and records made available to the Commission leaves no doubt that the author and architect of the movement was the RSS and it was carried out by the RSS through the Sangh Parivar and the frontal organisation namely VHP and the BJP etc.

⁸⁴ DW8

⁸⁵ DW9

⁸⁶ Member Parliament of BJP

⁸⁷ DW9

⁸⁸ Corroborated by Shakshi Ji Maharaj (DW8) and Ashok Singhal (DW9)

- 27.33. The Marg Darshak Mandal, Kendriya Marg Darshak Mandal etc. were all established only for the sake of expediency and in order to swell the ranks of the Sangh parivar by bringing together the masses who were followers of one or the other sect, or the followers of diverse Sants, Sadhus etc.
- 27.34. Acharya Dharmendra Dev used to assert in 1989 as attributed to him in the FIR registered in 1989 that the Hindu says that let the entire world live - while Muslims or their Prophet Mohammad says that allow only persons believing in its sayings to live – and ones who do not believe in his teachings are kafirs and they have no right to live in this world. Prophet Mohammad gives him ticket to heaven irrespective of one being a thief, dacoit or even murderer – while Lord Krishna said those who are murderer etc., are durachari, irrespective of relationship and have no right to live. Muslims not only in India but wherever in the world they are present, they have created nuisance. They did not let anybody sleep peacefully in the world. Reference used to be made to foreign dignitaries who would not sleep peacefully because of the Muslims. Babar destroyed temples. It used to be said that how can you show such graciousness that you and Maan Singh got your sister married to the grandson of Babar. Consistent with the stand of the protagonists of the movement, particularly of Shiv Sena or Hindu Mahasabha, emphasis was laid by small time leadership that one part of the population is not patriotic. They were portrayed as objects of hatred and ridicule. The political overtones were unmistakably prominent by the year 1992. The convergence of the religious and the political content of the issue had the effect of sharpening the sentiments and opinions amongst different sections of the population and

also hardened the respective political stances, to a point when the issue had political colours with barely a resemblance to its genetic roots. Clearly, the game was now being played for acquiring electoral constituencies. The prominent witnesses admitted that the support for the ostensible Hindu cause was solicited and galvanized for foreseeable electoral gains. The leadership of the movement exhorted Hindus and made appeals for all sacrifices and maintaining the façade of religion, through what I can say the facile association of Sadhus and Sants⁸⁹.

⁸⁹ See statement of Param Hans Ramchander Dass, KS Sudarshan and CW 18/14.

28. The architects of the Shila Nyas and the *Karseva*

- 28.1. I am of the considered opinion that it was commonly believed and accepted that events were being planned and implemented by the VHP according to its convenience and agenda. Whilst the VHP stated and declared that it was only executer of the programmes given by religious bodies, it was well known and as such perceived everything was being done by VHP and in its name.
- 28.2. Though the VHP is ostensibly an independent legal entity, for all intent and purposes as evidenced from the evidence before the Commission and the testimony received, that the VHP is yet another organ of the RSS and directly under its influence. In all the negotiations leaders from VHP, RSS and BJP alone used to participate. At no point of time did any Sadhus or Sants participate in any negotiations either with the Muslims or the Governments of the State or the Centre.
- 28.3. It was only around 1990 that consequent to the suggestions implanted, a crude attempt was made by the leadership to make the general public start to believe that the call for *Karseva* was given by the *Marg Darshak Mandal* or the *Kendriya Marg Darshak Mandal* or Sadhus and Sants. The VHP declared itself to be merely the executor of the orders of the religious icons or organizations, which in fact was not the case. Factually, all calls for *Karseva* prior or subsequent to 1990 were given by VHP or were given in its name. Even the ardent supporters of this movement like Peeyush Srivastava⁹⁰

⁹⁰ CGW10

Additional Senior Superintendent of Police, Faizabad admitted that the call for *Karseva* was given by BJP, VHP, Bajrang Dal, and Shiv Sena who organised food, boarding and lodging etc. There is nothing on record to show that the *Dharam Sansad* or *Kendriya Marg Darshak Mandal* etc. ever gave a call for *Karseva* or the construction of the temple. There is no evidence on the record that known Sants or recluses or the important personalities in the realm of religion exhorted or persuaded their followers to participate in the construction of the temple. Of course, there are a few exceptions like Paramhans Ramchander Das who was heading the local Nirmohi Akhara or other persons though may be using the suffix of Mahant or Acharya etc. These persons were not Sadhus Sants in the real sense of the terms since Sadhus and Sants are considered to be recluses and not interested in worldly affair; especially the worldly affairs dictated by the VHP or its leadership who admittedly constituted these bodies. Ashok Singhal admitted that the agenda for these bodies used to be set by the RSS or the VHP in whose offices their meetings used to be held. It was the VHP which used to set the dates and times and venues for them. I may observe that like pepper or salt, some of the politically oriented Sants like some Shankaracharyas did offer their services as intermediaries for affecting a compromise between the two communities and the governments of the time. I may also note that on persuasion and suggestion of LK Advani, AB Vajpayee and other leaders of the RSS and the VHP, one meeting was held by the Prime Minister Narasimha Rao with the persons suggested by the BJP, RSS, and VHP etc. Even the Sadhus and Sants who met the PM were briefed at RSS headquarters by Ashok Singhal, KS Sudarshan, HV Sheshadhari and other organizers before meeting the

PM. All subsequent steps as a consequence of the meeting were taken by the VHP, RSS or the Bajrang Dal or the BJP on their reporting back to the debriefers at RSS headquarters. All subsequent declarations were also made by the VHP and the RSS. The VHP also launched the Ram Janambhoomi Mukti Andolan.

- 28.4. The District Magistrate vide his order dated 11th of November 1989 stopped the *Karseva* in view of the impending elections. There were also communal riots during 1989 due to the program for construction of Singh Dwar.
- 28.5. Various emotive speeches were made at various places by the protagonists of the movement and the local leadership. Though it was asserted by witnesses before the Commission during the course of their statements that LK Advani made speeches with restraint and scrupulously avoided making any reference to Muslims, it is not possible to name or identify the local leaders all over the country who made communal or provocative speeches.
- 28.6. LK Advani stated during the course of movement, that initially an appeal to stop the *Rath Yatra* was made; then the language of request was used; then finally threats were issued. He had also said, that in spite of this, the *Rath Yatra* would not stop and would conclude only at Ayodhya. *"I feel whole nation is behind this Ram Rath and ask a question – will the Government arrest the whole nation?"* Parmod Mahajan also made emotively surcharged speeches. It has been reported that Parmod Mahajan in a speech at Indore said, *"This Ram Rath is a foot of Angad in the durbar of Ravan which cannot be moved by anybody. This storm arising from Somnath which cannot be stopped*

now. It is an arrow from the bow of Ram which cannot come back without hitting the object". Atal Bihari Vajpayee said at Delhi, "We are not against Muslims or opposed to them but with respect to the reconstruction of temple we will not compromise with anybody." While at Lucknow he said, "That the Government has committed a mistake in arresting Advani as he would have proved useful in an unwarranted situation for its avoiding on 30th of October."

- 28.7. Further, during this period leaders of the movement like Ashok Singhal and Shri Chander Dixit issued a statement exhorting and calling upon the people to make every sacrifice necessary for the construction of temple.
- 28.8. Mulayam Singh declared at press conference during the Rath Yatra taken out that under no circumstances would the demolition of the disputed structure be allowed; the dispute should be settled amicably.
- 28.9. Ostensibly, the Sants in their conference organised by VHP at Prayag on 27th of January 1990 decided upon the 14th of February 1990 as the date for commencing the construction of temple. This was however later postponed.

29. February 1990

- 29.1. Around this time, the movement for the construction of the temple started picking up. Various judicial orders were passed by the High Court and the Supreme Court between the 10th of January and the 12th of January 1990. These included the appointment of a Survey Commissioner for surveying the site, taking photograph of mosque along with pillars inscribed with all dates etc. The issue of limitations was raised, however the Supreme Court declined to treat it as preliminary issue.
- 29.2. VP Singh called a meeting with the leaders of the movement on the 6th of February 1990 and sought time to discuss the matter with his colleagues in order to sort out the issue through negotiations. Four months time was sought and given to resolve the issue.
- 29.3. In April 1990, the VHP organised a meeting of the Sadhus and Sants at the Boat Club in Delhi to chalk out the programme for construction of temple. It was in fact a rally organised and supported by BJP, RSS, and Bajrang Dal along with the other protagonists of the temple movement and other members of the Sangh Parivar. The purpose of the rally was to mobilize people for construction of temple, politically “awaken” Hindus and unite them as one unit or to open a debate on constitutional secularism. The objects of the rally and the Rath Yatra conducted by LK Advani in fact was the construction of the temple on behalf of the BJP. It clearly leads to an inference that the rally was in fact by the BJP and the RSS etc.

- 29.4. Insinuations and innuendo against other religions, specifically the Muslims were made at this public platform. Emotive speeches were delivered; some were articulated while some of the speakers exercised neither reins nor control over their language. Double meaning slogans were raised in the presence of leaders. Slogan like *“Jo Hindu Hit Ki Baat Karega, Wohi Hindustan Par Raaj Karega.”* were raised and prominently displayed under the rostrum. The witnesses testifying before the Commission were at pains however to explain that the “Hindu” did not mean the Hindu religion. It is safe to conclude that whatever the post facto intent might be, the crowd present there with its mixed educational background would not be able to dissect the words and realize the distinction between “Hindu” and “Hindu religion” or understand the articulated meaning thus put. In popular parlance, “Hindu” is the religion and is as such understood by a common person. The various associations of the believers, Sants, Sadhus etc. on the persuasion of the VHP or the dispute having been raised by Mahant Paramhans Ramchander Das of the Nirmohi Akhara, had asserted the issue of the reconstruction of the temple at Ayodhya as a religious question. Throughout the movement and even before me, all the witnesses with one exception tried to explain the meaning of the Hindu philosophy in the context of Hindu substantially being a religion. I am left with the impression that the word Hindu in the context of the movement and the issues raised by the various persons could be attributed and accepted as referring to the religion. It further acquired the colours of religion when it was used in a sense contrary to the sense conveyed by Muslim or Christian, which terms concededly refer to religions. There is no doubt that the word Hindu and Hindu Religion raised in slogans and speeches refers to the

religion and I have thus observed in my report in numerous places. It may be observed that the whole process was aimed at creating a Hindu votebank. It was vehemently asserted by the protagonists of the temple construction movement though simultaneously accepted that the Hindu religion has in inherent caste system and constitutes a votebank and the policy to cultivate this vote bank by means of appeasement or otherwise was attributed to political parties opposed to the BJP and its similarly minded allies. It was admitted by one no less than LK Advani that in the present day, the democracy was suffering from the ills of the castes system as for acquiring power, the only thing that mattered was numbers. The number may be secured irrespective of the means and the effect on society. All the efforts of the Sants, Sadhus and other reformers for a long time has been to undo the caste system and to end the discrimination or the divisions in the human society which it causes. The whole of the Ayodhya issue, though not patently, was an attempt to defeat the constitutional objectives of creating a casteless society or providing equality irrespective of religion or region. It defeats the very idea of India as a union comprising of a multicultural and multi-spectrum society spread over this vast land. It cannot be denied that the dialects and the very belief system of people changes every few tens of kilometres. However, one cannot impose one's own beliefs on others, even if the others be in very small numbers. Another phenomenon that I observed was that the leaders were saying something which conveyed different meaning to different sections of the people. The leadership used to carefully articulate words which carried different meanings according to the audience or the ambience or the tone or texture or the expediency of any given

situation. The language used was couched in careful terms to ensure that in any case, the speakers could not be saddled with the consequences in case the words were used for unlawful purposes.

- 29.5. The massive and unprecedented rally at the Boat Club served to hype up the religious sentiments and sharpen emotions towards the construction of temple movement as well as at the disputed structure. Most of the participants in the rally were BJP leaders; others from different background like political, religious were invited to participate as well. The rally succeeded in its object of rallying around more people to the BJP as well as politically uniting the Hindus, thereby creating the votebank which may not have existed hitherto. The statement of Vamdev is clearly suggestive of this, though one reaches the same conclusion even independently on the analysis of other evidence.
- 29.6. A committee of Ministers comprising of Madhu Dandavate, George Fernandes and Mukhtar Anees was constituted during this period. It was not too successful at finding a negotiated settlement either. Simultaneously the mobilisation of *Karsevaks* too went on. *Ram Karseva Samities* were constituted for mobilising *Karsevaks* for construction of temple.
- 29.7. Negotiations between the parties concerned with the disputed structure were undertaken at the highest level on 7th of June 1990 but virtually failed.
- 29.8. A decision for construction of temple on 30th of October 1990 from the *Garb Grah* was taken. The call for *Karseva* for the construction was given by the VHP. LK Advani in an interview in a Hindu fortnightly 'Panch Yajanya'

made a declaration of his party's commitment to cooperate with the VHP's plan of *Karseva* on the 30th of October 1990. The BJP also assured that it would participate. He also warned that if any attempt was made to scuttle the VHP's stand, it would snowball into next biggest mass movement after the independence struggle. After the BJP also declared its commitment of cooperation with the VHP's plan of *Karseva*, the mobilisation of *Karsevaks* was intensified. Rath Yatras including LK Advani's famous *Rath Yatra* were conducted for mobilising *Karsevaks*

- 29.9. The BJP governments in the states of Gujarat, Madhya Pradesh, Rajasthan and Himachal Pradesh not only supported the movement and contributed towards the construction of the temple, but also mobilised the *Karsevaks* for construction of temple at the disputed site.
- 29.10. It was declared on 31st of July 1990 that the efforts of Prime Minister for settlement through negotiations had failed and suggestions like shifting of structure, removal of idols, etc had been rejected. Meetings held by Subodh Kant Sahay with the leaders of VHP, AIBMAC, and attempts made by Jama Masjid Imam, Shankaracharyas, Swami Jayendra Parshad of Kanchi Peeth also failed.
- 29.11. A *Ram Jyoti* was lit on 1st of August, 1990. It was proposed to light Diwali lamps from this flame on the 18th of October.
- 29.12. Ashok Singhal declared that 5,000 brigades with 101 *Karsevaks* each would be raised in the country and would reach Ayodhya by the 30th of October 1990. Hoisting of saffron flags and blowing of Conch shells all over the

country was promised on the 15th of August 1990. At the same time UP Government decided to stop the construction at the disputed site. VP Singh took the decision that courts orders would be accepted. Thus all the ingredients for a confrontation was in place.

29.13. Around this time, *Ram Sankirtan Samities* were constituted. The carving of stones for the temple commenced on 31st August 1990 at Ayodhya. *Dharma Yatras* were taken out all over the country between 21st and 31st of August.

29.14. Leaders of movement stated that courts could not decide highly religious and political matters and thus the civil suit filed by Paramhans Ramchander Dass was withdrawn. Paramhans Ramchander Dass said that court's decision would conflict with the clear mandate to build the temple at the disputed site; the delay in the judicial process was also cited as a reason for this decision. The leaders of the movement unhesitatingly and publicly stated that the court decision could neither detract from the people's mandate for construction of temple at the disputed site, nor were the courts competent to decide issues of religious faith or question of history⁹¹.

29.15. LK Advani announced the beginning of his Rath Yatra from Somnath to Ayodhya on the 25th of September 1990, the day of Deen Dayal Jayanti by whom he claimed to have been inspired. The Rath Yatra was to reach Ayodhya on 30th of October 1990, the date fixed for *Karseva* for the construction of temple at the disputed site. This declaration was consistent with the warning issued on the 28th of June 1990 about an unprecedented

⁹¹ This finds reiteration in the BJP White Paper

movement to be faced by the country in the event that hurdles were put in the construction of temple. The objectives of the Rath Yatra were “awakening the awareness about the dispute amongst the people, spreading the view point of BJP amongst the people, “awakening” the people politically and opening a debate on secularism”.

29.16. At this time, the Bajrang Dal also decided to recruit *Karsevaks* in UP and send 2,00,000 *Karsevaks* with swords, sticks and trishuls, etc.

29.17. LK Advani, accompanied by Parmod Mahajan, commenced his Rath Yatra on the 25th of September 1990 from Somnath after a Shiv Puja, as was supposed to have been done by Ram before his march towards Lanka. Smt. Vijay Raja Scindia, Sikander Bakht, Shanker Singh Vaghela⁹², Parmod Mahajan, etc were present at the commencement of Rath Yatra. Leaders, ranging from the fiery to the violent as well as the peaceful, were present along with the *Karsevaks*. Some of them were armed as well. Swayamsevaks of RSS, members and *Karsevaks* of Bajrang Dal etc along with the local leaders were also present, also along the route of the Yatra. Many of the local leaders were not only fiery and provocative but also fanatics apart from being violent. The Rath Yatra was blessed by Murari Bapu and Bala Sahib Deoras, the president of the RSS.

29.18. The lack of interest by political parties and other bodies and individuals in naming them or producing any evidence for their identification, apart from their sheer numbers makes the identification of local leaders is almost

⁹² President Gujarat BJP

impossible; though some video recordings were produced before the Commission.

- 29.19. The movement leadership also ensured that the Central Government did not act as it might have. LK Advani warned the Janta Dal government on 14th of September 1990, before the commencement of Rath Yatra, that BJP's support to the Government would be withdrawn, if they tried to stop the Rath Yatra. This warning was repeated by BJP on 9th October 1990. Another similar warning was also issued on the 23rd of October 1990 after LK Advani had been arrested on the 22nd of October 1990.
- 29.20. Declarations to the contrary were also made by opponents of the construction movement that under no circumstances would the demolition of disputed structure be allowed. Abdul Syed Bukhari said "Muslim community would not accept any formula in which suggestion to put idols in disputed structure is proposed".
- 29.21. Warnings were also issued by Bal Thackeray and Shatrugan Sinha from Bombay against the creation of any hurdles on 30th of October 1990, the day fixed for the *Karseva*. It was stated that the entire country would have to witness a serious situation which no power on earth would be able to stop. Similar warnings were issued by other leaders. Leaders of the movement including Ashok Singhal and Shri Chander Dixit also issued statements exhorting the people to any sacrifice for the construction of temple during this period.

- 29.22. The *Rath yatra* entered Delhi on the 14th of October and left for Bihar on the 18th of October 1990. It ended on the 22nd of October 1990 with the arrest of LK Advani and Parmod Mahajan, Youdh Nath Pandey, Kailash Patti Mishra and Shalinder Nath, etc at Samastipur (Bihar) under the orders of Laloo Prasad Yadav, then the Chief Minister of Bihar. Other leaders of temple construction movement at Ayodhya, like Prof Rajendra Singh, V.H. Dalmia, GM Lodha, Mahant Avaidhyanath, Swami Chinmayanand, Atal Bihari Vajpayee etc, were arrested while heading for *Karseva* at Ayodhya.
- 29.23. Statements carefully crafted to play on the emotions of the masses were made by either side to the dispute. The protagonist of construction of Ram temple said that “*Construction of Ram Temple is not being opposed by the Muslims but by those who have become experts in using religion to fulfil their ambitions (Mahatavkansha).*” The protagonists of the movement declared that secularism was not limited to tolerance of feelings of other religion, it also meant respecting their feelings. Sikander Bakht declared that people who claimed that Ayodhya was a question relating to Hindus were liars; the demolition of the temple was an insult to the whole of India for which reason it ought to be reconstructed. Vijay Raja Scindia claimed, “*Mritpriya Hindu Society got a new awakening, new life, new conscience or alertness or people who thought Hindus to be impotent should have thought that now it is not so*”.
- 29.24. The ordinance for acquisition of the land which was issued on the 19th of October 1990 was subsequently withdrawn on the 20th of October 1990. In the meantime the government led by VP Singh declared the decision

regarding implementation of the Mandal Commission report providing reservations for the Scheduled Castes etc.

29.25. The Rath Yatra was welcomed at Bombay on 6th of October. The Chief Minister of Madhya Pradesh and his cabinet colleagues received and welcomed Rath Yatra when it reached that state. Public speeches consistent with the one made in a public meeting at Ujjain by LK Advani etc. were again delivered.

29.26. Security around the disputed structure was tightened by the 25th of October 1990 keeping in view koshi festival. *Karsevaks* were prevented from coming to Ayodhya from other states and other districts of UP. The entire State was declared a prohibited area and trains were diverted, bus services suspended. At every three kilometres barriers were put, all imaginable physical acts were undertaken to make sure that the *Karsevaks* should not be able to reach Ayodhya, in spite of the order of the High Court directing, to allow the performing of Punch Kosi Parikarma and directed not to stop *Karseva*. Stringent checking was enforced. Shilanyas Sthal was sealed. CRPF was deployed for the security of the disputed structure. This unprecedented tightening of security had Mulayam Singh proclaiming “*Yahan Parinda Bhi Par Nahin Maar Sakta*”.

29.27. Although some of the movement leadership and *Karsevaks* were arrested, the organisers had anticipated these measures and had stationed the *Karsevaks* in villages surrounding Ayodhya which were sympathetic to the movement, and these *Karsevaks* sneaked into Ayodhya for karseva on the 30th October 1990

inspite of all the security arrangements. GM Lodha, Swami Chinmayanand, Mahant Avaidhyanath along with *Karsevaks* were arrested on 25th of October 1990 at Gonda. Ashok Singhal, Uma Bharti etc. not only evaded arrest but also snuck into Ayodhya for the event. Ashok Singhal had proclaimed that even the security forces would participate in the *Karseva* and construction of temple.

29.28. The RSS admitted in its written submissions before me that the Janam Sthan Bhoomi Mukti Sangharsh Samities were formed throughout the country for getting the Ram Janam Sthan “liberated” and with the object of constructing Ram Janam Sthan temple on the very site on which the disputed structure stood. That the RSS extended its support to this movement; that all the organisations which were spearheading such movement including VHP, an organisation established for the spread of Hindu philosophy ensured that lakhs of *Karsevaks* reached Ayodhya on 30th October 1990 and 2nd November 1990.

29.29. There was indiscriminate firing on the *Karsevaks*, resulting in large number of casualties and in view of this development further activities were suspended. It was submitted that the Sants who were spearheading the movement thereafter took the decision to do the karseva on July 9 1992. The process was suspended for three months for a possible resolution of the problem with the intervention of the Prime Minister. And once that initiative also failed, the Dharam Sansad decided to recommence the karseva with effect from the 6th of December 1992. It is Sadhus and Sants who decided to build a magnificent Ram temple on the opening of locks in 1986. He referred to the

various facts which had been mentioned to in the earlier part of the narration of facts in this report.

29.30. The only other fact which specifically finds mentions in the written submissions is that Sharad Pawar⁹³, Prof Rajendra Singh⁹⁴, Kumar Mangalam⁹⁵ and Bhairaon Singh Shekhawat met in Bombay at the residence of Sharad Pawar where a decision was taken to get the court's decision delivered before December 6, 1992.

29.31. Throughout the year 1990, negotiations were carried out. An attempt to blow up the disputed structure was made by one Suresh Kumar on 8th of December 1990. This was however foiled.

29.32. Around 28,000 PAC personnel had been deployed in Ayodhya alone. The total number of deployed personnel in UP was 1,00,000 suggesting the strict security measures which had been taken. Other states and especially those not ruled by the BJP, helped in preventing the *Karsevaks* from going to Ayodhya. Out of approximately 40,000 *Karsevaks* who had gathered around Ayodhya before 3^{0th} October 1990 about 1000 *Karsevaks* managed to enter Ayodhya.

29.33. The government forces resorted to firing in order to prevent them from implementing their plans to damage the disputed structure etc. There were those bent upon the destruction of the structures and then there were those persons opposed to demolition of disputed structure, who were at the helm of

⁹³ *Defence Minister*

⁹⁴ *Joint General Secretary*

⁹⁵ *State Minister*

the government at the time. However, the attempt to seal the disputed structure and prevent the miscreants from reaching it failed.

29.34. There have been suggestions that the arms of local police and PAC were withdrawn and only the personnel *trusted* by VP Singh were posted. That 90% of the police personnel supported the *Karsevaks*, and in fact the police opened the locks at the gates; that the CRPF and BSF Jawans refused to open fire despite direct orders; guns were snatched from the Jawans of 61st and 68th Battalions. No evidence to this effect was produced before the Commission. The only remote support for the suggestion is drawn from the text of a book “*Karseva Se Karseva Tak*” by a journalist⁹⁶ wherein it was recorded that the BSF Commandant ordered his men to commence firing, which was defied. That the Additional Superintendent of Police fired from his own revolver on a gathering of about two or three thousand people with little effect. That the CRPF posted at the spot refused to fire as well. Or that the forces were tasked with getting Ayodhya vacated at all costs including resort to firearms or teargas or lath charges as long as the disputed structure was saved.

29.35. The Chandrasekhar government invited the Hindu organisations and the Babri Masjid Action Committee for negotiations on 1st of December 1990. During the negotiations, VH Dalmia, DP Toshniwal, Shri Chander Dixit, Morpanth Pingle, Acharya Giriraj Kishore and Surya Krishan, etc participated on behalf of VHP. Members of AIBMC represented the

⁹⁶ Gopal Sharma, 1993, *Rajasthan Patrika Press*

Muslim claimants. Even at the time of the negotiations in December, the Satya Grah, mobilisation of *Karsevaks* etc continued.

- 29.36. VHP announced that 20th of October would be observed as ‘Shaurya Diwas’ in the memory of *Karsevaks* who had lost their lives in October 1990. Ram Jyotis were lit all over the country on the occasion of Diwali on 18th of October, 1990.

30. The incidents of 1991

30.1. Negotiations continued between the VHP and Babri Masjid Action Committee along with some Government representatives and experts. Documents were produced and sorted into categories like literature, history, ancient governmental and legal documents. Abdullah Bukhari, Naib Imam of Jama Masjid and one Afjal Beg were against any dialogue, despite which the negotiations continued. During these negotiations it was agreed to exchange statements of claims and to file rejoinders etc. Report of Historians of AIBMAC was to be presented by May 1991. VHP filed the statement of claim while Babri Masjid Action Committee did not file any claim or documents. Prof RS Sharma, Prof Athar Ali, Prof DN Jha, Shri Jawed Habib, Prof BP Sinha, Shri SP Gupta, Harash Narain, Prof KS Lal, Prof Devendra Swaroop, Shri BR Grover, Prof Suraj Bhan, Justice Ghuman Mal Lodha, Deoiki Nandan Aggarwal, Justice DV Sehgal, VKS Chaudhry and Ashok Singhal represented the view of the protagonists of the movement. Shri Zafaryab Jilani, Shri MA Siddiqi, Shri SA Sayed, Shri Zaffer Ali Siddiqi, Arif Mohammad Khan, Mohd Zilani etc. represented the opposite view⁹⁷. Finally, the negotiations failed at this point of time, though they resumed later.

⁹⁷ Refer to the Government's White Paper and Statement of SB Chavan (CW4)

- 30.2. The Intelligence Bureau perceived an imminent threat to the disputed structure and sent a security plan⁹⁸ on 28th of February 1991 to the Director General of UP Police for approval of the government. It was requested to review the security accordingly. It reached the SSP, Faizabad for compliance through official channels. The security plan suggested the construction of a parameter wall, restricting the convergence of people at the disputed structure, and the need for deployment of force apart from other attendant measures. These suggestions were not implemented.
- 30.3. Elections were declared in March, 1991. The *Vishwa Hindu Sammelan* was organised at Boat Club New Delhi in the 1st week of April 1991. It was sought to be portrayed as having been organised under the aegis of VHP; in fact it was a public meeting held in the course of the 1991 elections by the BJP and its allied parties including VHP. This was an unprecedented gathering and a large number of people, the leaders, associations like RSS, or religious leaders, Shiv Sena, Bajrang Dal etc. including the VHP participated in it. The event served to actively mobilise the people for the upcoming elections to politically support the BJP or other Hindu minded parties or protagonists of temple construction or of the Hindu religion.
- 30.4. Some Mahants and Sants not only participated but also took active part in the political rally. I am of the considered view that it was purely an elections public meeting. All kinds of speeches, ranging from the emotional to the provocative were delivered at the event and people were exhorted to participate not only in the construction movement but in karseva too as and

⁹⁸ CW-14/2

when call for it would be given as well extend their support to BJP as the only political party supporting the Temple agenda. By innuendo or otherwise, it was conveyed to the public that the BJP was supporting the RSS in its objectives and was working for the establishment of the Hindu Rashtra. Each participant claimed himself a leader, outside the control or discipline of anyone else. Slogans like “*Jo Hindu Hit Ki Baat Karega, Wohee Desh Par Raj Karega*” were shouted and displayed.

- 30.5. The BJP presented the idea of Ram Rajya and revealed its manifesto for the construction of temple in this meeting. It was declared that any government opposing the Hindus would not be allowed to succeed. The temple was thus made a part of the election process and brought on the national political scene. People were exhorted to support parties supporting the cause of construction of the temple at the disputed site.
- 30.6. BJP and its associates secured about 119 parliamentary seats while the Congress secured 249 seats. In the UP Legislature, the BJP secured 211 seats.
- 30.7. P.V. Narasimha Rao became the Prime Minister of the Congress Government at the Centre. Kalyan Singh became the BJP Chief Minister of Uttar Pradesh. BJP formed the governments in Rajasthan, Himachal Pradesh and Madhya Pradesh and a coalition government with Shiv Sena in Maharashtra.
- 30.8. Kalyan Singh, on assuming the office of Chief Minister on 26th June 1991, along with Murli Manohar Joshi and some of his cabinet colleagues

apparently went to Ayodhya in July 1991 to pay obeisance. Slogans like "Ram Lalla Hum Ayain Hain Mandir Yahin Banayenga" were raised. An oath for construction of temple at the disputed site was taken by them and the other people present there.

- 30.9. The BJP Government as well as the party, took its success at the hustings as an electoral mandate for construction of temple after removing all hurdles. They had secured the power on the plank of the construction of temple and now proclaimed that it was their democratic duty and obligation to construct the temple at Ayodhya. They assumed that others were opposed to construction of temple and inclined to ensure that the BJP should not redeem its electoral promise. Temple construction at Ayodhya movement became part of the Governments perceived democratic responsibility and obligation.
- 30.10. Sadhus, Sants, VHP proclaimed the government to be theirs, by them for them. VHP asked the government on 20th July 1991 for clearing the decks for the construction and removing any surviving hurdles. It demanded that the possession of the disputed structure and of the acquired area be handed to them by the 18th of November 1991. A Ram Janam Bhoomi Nyas was constituted for construction of temple at the disputed site.
- 30.11. The UP government under the garb of promoting tourism and providing amenities for the visitors; acquired 2.77 acres of land in front of disputed structure on 10th of July 1991. Out of this 2.77 acres of land sought to be acquired, the VHP claimed ownership over 2.04 acres. The remaining tiny parcel containing the disputed structure was not acquired.

30.12. The acquisition of the land was judicially challenged on a number of grounds including that it had been done for extraneous considerations. The Supreme Court by an order dated 15th of November 1991⁹⁹, allowed the government to take possession of the land but prevented the construction of a permanent nature in the complex. It was stated since the High Court was already *seised* of the matter and had even passed an interim order and was to be taken up for final disposal sometime in December that year, it would be neither necessary nor justifiable to transfer the Writ Petition from the High Court to the Supreme Court. Instead, the pending three petitions on the issue were transferred to the High Court for analogous disposal. It was made clear in the order that it was the State Government's responsibility to protect the Ram Janam Bhoomi-Babri Masjid structure and to ensure compliance of the High Court's orders in the land acquisition proceeding¹⁰⁰.

30.13. The High Court ordered maintaining of status quo while permitting repairs of the damage done to parts of the structure in 1990; temporary constructions were permitted.

30.14. The UP Government and the leaders of the temple construction movement stated that the 2.77 acres of land had been acquired for construction of temple. The possession of this land was given to Ram Janam Bhoomi Nyas for construction on long lease for a consideration of one rupee. The Government itself employed tractors for digging a twelve feet wide area for levelling of the Ram Janam Bhoomi-Babri Masjid complex. One wall of the

⁹⁹ *in Civil Writ 972 and 977 of 1991*

¹⁰⁰ *Refer to DW-13/20.*

Sankat Mochan Temple was removed on 24th of October 1991 at the instance of Vinay Katiyar despite the clear injunction from the Court. The structure like Sakshiji Gopal Mandir and a part of Sankat Mochan Mandir, compound wall around structure etc. in front of the disputed structure were demolished on the beginning of *Rudra Maha Yagya* on 28th of September 1991 despite the *status quo* orders. MM Joshi had to thereafter visit Ayodhya personally in order to stop the demolition being carried out in violation of the orders of the High Court. The Government submitted that the acquisition was for construction of temple through the Ram Janambhoomi Nyas. The acquisition was quashed by the High Court holding it to be for Mandir – a finding later affirmed by the Supreme Court. It was held the acquisition was malafide and for extraneous consideration.

- 30.15. A meeting held by the Chief minister on 2nd of August 1991 for reviewing security arrangements etc. was attended by RK Gupta¹⁰¹, Lal Ji Tandon¹⁰², BD Dewedi¹⁰³, Surya Partap Sahi¹⁰⁴, the Chief Secretary, DGP, IG Lucknow Zone and the IG Security. Bowing to the pressure mounted by Vinay Katiyar, Ashok Singhal, Brahm Dutt Dwivedi, Lal Ji Tandon, Kalraj Mishra etc of Ashok Singhal and Vinay Katiyar, the security arrangement were diluted. It was decided that some of the barricades which were in existence since 1990 should be removed before March. Piped barricade cordon in the front of Ram Janam Bhoomi exit gate was removed. Five barricades from

¹⁰¹ *Finance Minister*

¹⁰² *Energy Minister*

¹⁰³ *Revenue Minister*

¹⁰⁴ *State Minister*

feeder roads and fencing under the barriers were removed by August 1991. This rendered these measures completely inadequate against any serious mischief.

30.16. The VHP now proposed a *Bajrang Maha Rudra Yagya* from 1^{8th} October to November 1991. Mahant Paramhans Ram Chander Dass, Mahant Avidhyanath, Morpanth Pingle, VH Dalmia, Acharya Giriraj Kishore, Uma Bharti, Vinay Katiyar etc were not only present but also actively participated in the Shaurya Diwas celebrated on the 30th of October 1991. Muslim observed it as the *Hatalma Samiti* day.

30.17. On 31st of October 1991, *Karsevaks* climbed the domes of the disputed structure by jumping over the security cordons. They were detected were removed from there along with their flags.

30.18. In a meeting of the National Integration Council held on the 2nd of November 1991, Kalyan Singh gave an assurance

“as regard the disputed structure I want to make it clear that I assured you the entire responsibility of the protection of the disputed structure is ours. We would be vigilant about the disputed structure. We have strengthened the arrangements for its protection. Now nobody will be able to go there. No incident would be allowed to be repeated when three persons climbed on the top the dome. I want to convey this assurance to you through this council. Overall, it is our clear submission regarding

*the court; we will abide by the order given by the court. We do not want to do anything by violating its order.*¹⁰⁵

30.19. A team of MJ Akbar, Subodh Kant Sahay, and Suresh Kalmadi with 7 members of the NIC went to Ayodhya despite being advised against it by the administration. There was a skirmish and some *Karsevaks* attacked them. Vinay Katiyar admitted this but justified it since allegedly MJ Akbar had reached Ram Janambhoomi with shoes on¹⁰⁶. In my considered opinion, no body, much less a person like MJ Akbar would go to any religious place with shoes on, particularly to a sensitive place like the disputed structure. It appears that Vinay Katiyar justified it simply as something must be said to justify an act of naked vandalism, of which he was a past master.

30.20. The state DGP visited the site in November 1991 and claimed to have reviewed the security arrangements as well as the security plan. This security plan was never produced before the Commission despite a number of opportunities given for the purpose. The Advocate General as also officers of UP government were requested by the Commission to produce the security plan for December 6, 1992; orders to the same effect were passed a number of times and the Commission even sent an investigating team to find security plan.. No such security plan was found. It is thus clear that no such plan existed at all.

¹⁰⁵ Corroborated by the affidavit of Kalyan Singh DW-13/20 in the Supreme Court. Reference may be also made to Governments White Paper.

¹⁰⁶ The skirmish was corroborated by Ashok Singhal (DW9), Syed Shahabuddin (DW14), and RK Sinha (CGW19)

- 30.21. On 3rd of November 91, instructions were issued by DGP to IG Lucknow Zone and DIG Faizabad emphasizing that the stairs leading to the top of the disputed structure should be adequately guarded.
- 30.22. On 13th of December 1991 a group of about 250 workers of the *All India Hindu Shakti Dal* Shahjhanpur under the leadership of Vijay Singh (Divisional President Bareilly) and Ramchander, and Sanyojaks took a bath in Saryu River and proceeded towards the disputed structure. The security people were able to forestall and arrest them.
- 30.23. The BJP White Paper had spelt out the intent of Ayodhya movement since 1991. It was only to construct temple while leaving the structure intact. In my opinion, neither *Karsevaks* nor any other organisations nor any of the protagonists of the construction of temple movement including RSS, VHP, and Bajrang Dal etc. shared this innocuous manifesto.
- 30.24. It was stated before me that the Chief Minister told the Prime Minister that he could not shoot the *Karsevaks* and the Central Government alone could be instrumental in stopping the work. Constitutional hurdles had to be overcome.
- 30.25. Commissioner, Faizabad requested the Government that the security of the disputed structure be assessed and instructions be given for arrangements during sensitive times i.e. during the presence of large crowd as well as for normal times. No order was passed on the request.

- 30.26. Brahm Dutt Dwivedi¹⁰⁷, Shri Chand Dixit¹⁰⁸ and Vinay Katiyar¹⁰⁹ on the 14th of December, 1991 instructed that the barriers should be removed by the 15th of December 1991 and frisking stopped. The District Magistrate and DIG told Brahm Dutt Dwivedi, S.C. Dixit and Vinay Katiyar that this could not be done until these orders were received by him from the superior officers of the Government. These officials were later transferred¹¹⁰.
- 30.27. Building of the stack with bricks and cement around the foundation site was thwarted on 16th of December 1991.
- 30.28. The security was reviewed on 27th and 28th December 1991. VK Saxena¹¹¹ admitted that no weight was attached to recommendations made by the Central Government nor were they sent to the state and the DGP. VK Saxena, Chief Secretary admitted it.
- 30.29. The road barriers were removed from the feeder roads leading to the disputed structure by 30th of December 1991. Five out of seven Road barriers were removed i.e. one from near Manas Bhawan, two near Ved Mandir, one barrier at Rang Mahal and one at Devki Kuan. Removal of barriers allowed freedom of movement to the larger members of public visiting the disputed structure. Barbed wires and barriers, especially those immediately behind the disputed structure, were removed on or about 2nd of January 1992.

¹⁰⁷ *Revenue Minister*

¹⁰⁸ *BJP MP*

¹⁰⁹ *BJP MP*

¹¹⁰ *Refer to CW-14/3, as well to statement of Peeyush Srivastava.*

¹¹¹ *CW13, Chief Secretary*

31. The events of 1992

31.1. The paramilitary forces and other forces expressed concern about the lax security. The Principal Secretary (Home) in January 1992 reported that the removed barriers could be resurrected immediately as and when the need arose. This was in fact never done. Removal of barriers and fencing commenced in January 1992¹¹².

31.2. RC Aggarwal¹¹³ the then Home Secretary pointed out to the DGP, that the security in isolation cordon had been adversely affected and the forces deployed were likely to be outnumbered by *Karsevaks* which might result in panic reaction by the forces. The efficiency of the CRPF in the isolation cordon depended on the extent to which state police deployed would be able to control and direct the crowd from outside the isolation cordon¹¹⁴.

31.3. Kalyan Singh at the time proclaimed, *"The Centre is out to create civil war like situation in the State by sending Central Forces without our consent. Do they want clash between the Central and State forces?"* The statement was widely published by the media. The Prime Minister perceived the *Karseva* as illegal and made it clear that the Central Government would implement Courts Orders.

31.4. The VHP decided in January 1992 that Sadhus and Sants should meet the Chief Minister and have direct talks with respect to Ram Janam Bhoomi

¹¹² This fact is corroborated by N.C. Pandhi (CGW32), Parkash Singh (CW14) etc.

¹¹³ CGW31

¹¹⁴ Refer to CGW-13/2

with him. They met the Chief Minister. Ram Janam Bhoomi Nyas made an offer to the Chief Minister for developing the area of Ram Katha Kunj. They offered to build *Sheshavtar Temple*, *Hanuman Mandir* and *Ram Sthal* at their own cost. Sequel to it, the Kalyan Singh Government decided to lease out 52 acres of land at the rate of one rupee per year to Ram Janam Bhoomi Nyas. Possession of land thus leased was delivered by the State on 20th March 1992 to Ram Janam Bhoomi Nyas. This fact was not challenged before the Commission.

- 31.5. The State Cabinet including Brahm Dutt Dewedi, Lalji Tandon, etc visited the disputed site several times after January 1992 to discuss the security arrangements. I am of the considered view that all the security arrangements, if any were actually present at all, used to be made on an ad hoc basis.
- 31.6. The evidence and testimony of NC Pandhi¹¹⁵, SC Chaubey¹¹⁶, and Peeyush Srivastava¹¹⁷ clearly establishes that up to January 1992 security arrangements were made in coordination with paramilitary forces, central and other available intelligence agencies etc. After January 1992 these agencies were not taken into confidence and were not even informed of formation of any security plans for the disputed structure. Even if some security plans were made for the disputed structure, CRPF, Central Government and other agencies were neither consulted, nor associated with security arrangements nor were informed it or about any such plan. The security arrangements

¹¹⁵ CGW32

¹¹⁶ CGW23

¹¹⁷ CGW10

remained confined to the State Government or local administration. I have observed in my report that the State Government had no contingency plan or security plan for the protection of the disputed structure. NC Pandhi¹¹⁸ specifically stated, *“Till January arrangements used to be made in coordination with Paramilitary forces etc. Thereafter they were not taken into confidence.”*

- 31.7. The decision to remove the barriers and barricades can be clearly attributed to Vinay Katiyar, Ashok Singhal, Brahm Dutt Dewedi, SC Dixit, Champat Rai, Paramhans Ramchander Das etc. This removal from the disputed structure, its feeder roads, and Ram Janam Bhoomi complex commenced on 2nd January 1992. This has not been disputed before the Commission.
- 31.8. The Joint Secretary Home of the Government of India wrote to the Chief Secretary and Home Secretary of UP State that the flag hoisting by the Ram Janambhoomi Seva Samiti had been preponed to 3rd of January 1992. It would lead to difficulties and risk for the disputed structure. Only some of the security measures from the security plan sent by the Central Government were implemented, the non-implementation of the rest was specifically pointed out. Request was made to stop the flag hoisting and to implement the security plan and to provide security arrangements. It was also requested that the DGP should discuss the details of the security arrangements with the IG CRPF. Appropriate action was solicited on the letter dated 26.12.1991.
- 31.9. The Chief Minister was the pivotal figure and played the key role in the whole episode of demolition and the temple construction movement in the

¹¹⁸ CGW 32

state and in Ayodhya. It is evident from the statement of Shekhar Aggarwal¹¹⁹, Prabhat Kumar¹²⁰, Parkash Singh¹²¹ etc. that the Chief Minister was regularly monitoring the situation at Ayodhya on day to day basis. The Chief Secretary, Principal Secretary (Home), DGP, SSP DB Roy and the District Magistrate were in direct communication with him; despite a denial of this by SSP DB Roy. It was categorically accepted by almost all the witnesses who appeared before the Commission that nobody else could take any decision be it a policy matter or other matters at micro level, with respect to Ayodhya except the chief Minister Kalyan Singh in person. No other officer in the administration was either authorised or delegated the power to take decision with respect to Ayodhya.

¹¹⁹ DW7

¹²⁰ CW16

¹²¹ CW14

32. February 1992

32.1. VK Jain, Special Secretary in Union Home Ministry on the 4th of February 1992 asked the UP Chief Minister for a review of the security plan. This was done keeping in view the recommended security arrangements and the security reviewed on 27th and 28th December 1991 by S. Raghunathan Deputy Director, Umesh Kumar AD and KG Rana. In the review, their recommendations were however not given any weight nor attention paid to any suggestion for providing security. VK Saxena¹²² Chief Secretary accepted that no weight was attached to recommendations. On 4th of April 1992, the Central Government pointed out urgent security measures needed to be implemented, to the State Government. In response, the UP DGP informed the Central Government that 9 points referred for review of security were already complied with; defective doorframe metal detectors were replaced; monitoring by CCTV was reorganized; gate in front of Shakshi Gopal Mandir used for exit was made serviceable; watch towers were manned, required barriers at strategic location were made functional, deployment of forces on roof tops was made¹²³. The Home Secretary of India expressed concern about fragile communal situation in the area having serious repercussions¹²⁴.

¹²² CW13

¹²³ Refer to the statements of V.K. Saxena (CW13), Murli Manohar Joshi (CW22), RN Srivastava (CW30), Surinder Kumar (CGW34), Abdul Hakim (CGW38) and Amitabh Agnihotri (CGW 39).

¹²⁴ Refer to CW 13/39

- 32.2. From the evidence lead, it emerged that the ongoing negotiations were finally brought to an end by hard core elements from both sides by 5th February 1992.
- 32.3. A conjoined analysis of the contradictory and sometimes evasive evidence of the witnesses reveals that the construction by UP government of the security wall known as Ram Dewar measuring 8 to 10 feet in height, on the three sides of the acquired land at Ayodhya including the disputed structure commenced on 17.2.1992. It was reported to the Principal Secretary (Home) Government of UP on 17th of February 1992 that the construction of boundary wall was started at Ayodhya by the special area development authority in presence of Revenue Minister Braham Dutt Dwivedi, Ashok Singhal, Acharya Giriraj Kishore, Vinay Katiyar National Convenor of Bajrang Dal, Paramhans Ramchander Dass, Laloo Singh, Rao Priya Darshi who admittedly performed the Bhoomi Puja and other rituals. It is undisputed that the boundary wall or *Ram Dewar* represented the boundary of the proposed temple to be constructed at the disputed site.
- 32.4. Not only did the protagonists of the movement name the security wall as the Ram Dewar, it was so referred to by the public at large, leaders of movement, administration, media etc. It is evident from the oral and documentary testimony, which is too voluminous to reproduce here, that the UP Government by its actions and conduct expressly and impliedly accepted it to be the boundary of the proposed Ram Temple including the Ram Janam Bhoomi complex. The construction of this wall was hailed as a step towards the ultimate construction of the temple by the members of the political

executive and leaders of BJP and VHP etc¹²⁵. Reference may be made to the statement issued to the media in press conferences etc. by SC Dixit and Sunder Singh Bhandari, who were the office bearers of the BJP. Even the VHP in its resolution at *Ardh Kumbh* in Haridwar on 4th of April 1992 at the meeting of the Marg Darshak Mandal asserted it be so. Ashok Singhal described it as Ram Deewar and the first the step taken for the reconstruction of the temple. This was too obviously a preplanned act of the state, political executive, administration and the organisers of the movement. All the persons held responsible for the demolition, in my opinion, were party to this conscious act of the government and the organisers of the movement.

32.5. Objections were raised to the giving the land on lease to Ram Janam Bhoomi Nyas, demolition of Sankat Mochan Mandir, Shakshi Gopal Mandir, Summitra Bhawan, Lomas Ashram, Gopal Bhawan, shops, dumping of earth near Ram Janam Bhoomi-Babri Masjid structure having steep slope on the west. Levelling and digging operation pointed out the intentions behind the operation effecting the strength, security and safety of the disputed structure. This was published in the media also.

32.6. It is thus abundantly clear that an overall impression was created that construction of Ram Dewar was a major step taken for construction of temple by the state. This was corroborated by the statement of Kalraj Mishra¹²⁶. Even Sunder Singh Bhandari, one of the well known leaders of BJP claimed, sometime expressly while at other times by innuendo, that the money spent

¹²⁵ Refer to exhibit CW-4/14 which was published on 24th of June 1992

¹²⁶ CW 10. Also by DW11/11

on wall was by the UP Government. It was declared as commencement of the Construction of temple¹²⁷.

- 32.7. Ashok Singhal, while describing the steps taken and success for the reconstruction of temple achieved, stated, that land had been acquired, Ram Dewar was being constructed which would take about one and half months. About 42 acres of land was leased out for Shri Ram Katha Park. Levelling of Ram Janam Bhoomi had already commenced. He specifically pointed out that except BJP all other political parties were opposed to the construction of temple and he therefore exhorted Hindus to be ready to deal with the situation.
- 32.8. The state administration as well as the bureaucracy intentionally, consciously and in order to please the government of the day collaborated in the acts of the government and the political executive, concealing the real intentions from the record. The bureaucracy committed acts of deceit and not that of transparency in governance.
- 32.9. On 23th of February 1992, Home Minister SB Chavan informed Chief Minister Kalyan Singh of his apprehension, and those arising in the minds of the people because of construction of the Ram Dewar, even though for the record, it was only a security wall. The media also conjectured on the 18th of March 1992 that the construction of the Ram Dewar by VHP activists had distinct political overtones.

¹²⁷ CW 4/15

- 32.10. It was reported that Government took notice of the visit of Sunder Singh Bhandari to Ayodhya. They were alleged to have stated in order to restore the credibility of BJP with respect to construction of temple *“State Government has sanctioned 21 lakhs for the construction of wall around the proposed temple – which would be followed by construction of temple according to VHP leaders”*.
- 32.11. The Government of UP observed that the construction of Ram Dewar has been undertaken to assuage the feelings of VHP, Bajrang Dal who were impatient over BJP Government’s studied silence on the issue. Senior Police officers like DIG Faizabad, Uma Shanker Bajpai and District Magistrate Net Ram supervised the demarcation of the line along with the wall. The Chief Minister on 10th March maintained that the security wall was only a masonry wall and it ought not to raise any concerns¹²⁸.
- 32.12. The District Magistrate Faizabad was transferred and RN Srivastava joined on 28th of February 1992 as the new District Magistrate. Other officers like DB Rai SSP and AK Saran were posted at Ayodhya on assuming the office of the Chief Minister by Kalyan Singh, despite of the protest made by the then DGP within official constraints¹²⁹.

¹²⁸ Officially noticed in File No 22.200/13/D/92.

¹²⁹ Refer to the statement of DGP Parkash Singh (CW14)

33. March 1992

- 33.1. In view of orders of the Supreme Court, Finance Minister of Uttar Pradesh Lal Ji Tondon, Urban Development Minister U.P, Brahma Dutt Dwivedi and the DGP, UP took a tour of Ayodhya for the purpose of the security of the disputed structure. After consultation with the local administration, suggestions were made regarding the security arrangements. To wit, identity Cards should be given to the *Karsevaks* for their identification; organisers of the movement should provide assistance to help with the identification. The organisers should remain at entry gates and only such person should be enquired or checked separately about whom there was a need felt; as far as possible *Karsevaks* should go in small batches and during the day time, entering from one gate and exiting from the other. The building material for Shesh Avatar Temple should come from the Western gate and the passage leading from this gate should be levelled. On the North and East of Shesh Avatar Temple, there should be a double wooden barricade made of poles as well as a police force deployment to prevent unchecked persons from going in and to make it impossible for anyone to make it to the disputed structure. Since the security wall from disputed structure to the East of the security wall was half open because the barricade has not been not drawn up to the Eastern wall for the entry of pilgrims, hence a full barricade be erected. Finally, it was

recommended that a buffer zone of 20-30 feet be kept between the disputed structure and the *Karsevaks*¹³⁰.

- 33.2. The proposals for double barricade from North to East of the Shesh Avatar Temple and rendering it impossible for *Karsevaks* to enter the disputed structure from Shesh Avatar Temple were not approved. The consequence of this was that it resulted in easy access to the disputed structure from the site of the Shesh Avatar Temple where the construction was continuing and the construction material was readily available.
- 33.3. The Principal Home Secretary of UP, Prabhat Kumar was reminded for the review of security on 19th of March 1992¹³¹.
- 33.4. Levelling of Ram Janam Bhoomi complex commenced by the State Government and Ram Janambhoomi Nyas. The plan for this development has not seen the light of the day till date.
- 33.5. It is easily discernible from the record and the oral evidence that UP state authorities including Tourism Department, VHP and other protagonist of temple construction movement undertook demolition of structures in Ram Janam Bhoomi complex or inhibited area. *Shakshi Gopal Mandir, Manas Ashram, Gopal Mandir, Shops, Summitra Bhawan, Privesh Ashram, Pehli Bahu's Kothi* and *Sankat Mochan Temple* etc were demolished under the leadership of Vinay Katiyar despite of injunction from the court against construction. Concededly the demolitions were in front of the structure.

¹³⁰ Recorded in official File No.15 200/541/D/92.

¹³¹ vide CW-13/8

There was a steep slope on the west with a gradient on the north south and levelled ground on the east. Earth dug up was dumped on the western and southern sides of disputed structure where there were deep slopes. There was a gradient on western and north side. South and East were having levelled ground. The levelling resulted in 12 feet depression on eastern side apart from reducing the height of perimeter wall, the Ram Dewar.

33.6. The intelligence agencies had been writing that the act of levelling and demolition of different structures etc by the state in collaboration with Ram Janam Bhoomi Nyas was raising apprehensions in the minds of people about the adverse effect on the safety and security of structure and that it would render the steps taken for security ineffective. Statement of NC Pandhi¹³² was not challenged before the Commission by any of the counsel appearing for any party or the Central Government or the State Government. This witness specifically asserted and corroborated it.

33.7. The Home Minister addressed a letter to Chief Minister Kalyan Singh pointing out therein the levelling, collecting of construction machinery, digging of area for construction of proposed temple, widening of Durahi Kuan Road, construction of the wall on the northern side of the disputed structure, gathering of about 7000 people in the Ram Janam Bhoomi Complex where the plans for reconstruction were reiterated and provocative speeches delivered. It was stated that these acts had lead to an apprehension about security of the disputed structure as well as about its adequacy to meet

¹³² CGW32

any contingency with possible implications. Augmenting of the security was requested. A note to that effect was put to Government too.

- 33.8. Chief Minister Kalyan Singh replied to the letter of Home Minister pointing out various steps taken.
- 33.9. The Home Secretary of India vide his letter dated 3rd of June 1992 enquired from the Chief Secretary of UP, the details of the proposed construction programme in order to know the purpose for such large scale filling and digging was undertaken. He enquired what its impact was¹³³.
- 33.10. The Deputy Commissioner / District Magistrate and Superintendent of Police reported the digging of a 10 feet deep area in front of the disputed structure and the levelling work etc would not result in collection of the rainy water as the water was flowing through west and south. Resultantly there was no possibility of stagnation. It was pointed out that since digging being done at a distance of 7.45 meters from outer wall and 25.39 meter from the disputed structure, consequently it would not affect the foundation and the wall. Dumping of earth near it would not result in reducing the height of the security wall/ Ram Dewar in as much as already the height of the wall is 10 feet with a proposal for its increase by another 10 feet. The filling of earth would be of no consequence. Even otherwise the consequence of reducing the height was pointed to be of insignificance because there will be PAC Jawans with rifle on 13 places, three patrolling parties of PAC from Manas Bhawan to Laxman Tekri, from Laxman Tekri to Durahi Kuan and from

¹³³ The note prepared by the UP Government is on File No. 22.200/13/D/92

Durahi Kuan to Manas Bhawan. On the interior portion of security wall from southern part to eastern part, sentry for security had been deployed on duty along with PAC round the clock. It was opined with respect to barricades, that they were constructed for stopping the movement at the main places. On the important barricades, police was placed on duty. SSP and Additional SP and Assistant Commandant were required to keep a close watch with surprise check. A single barricade had been erected in *Manas Bhawan Gali*. Thus putting up of barriers and closing of Darshan, would not allow any pilgrim to enter the disputed premises. Separate barricades had been arranged for controlling the mobs for going from foundation side to the disputed structure. Two DFMDs were installed and were functioning with civil and lady police on duty on the main gate of the disputed building. One CCTV was installed in the Garbha Grah, the other was on the foundation (Shilanyas) site, and the third was on the main eastern gate. All of them were functioning. The height of the iron pipe barricading, concertina and barbed wire and outer barricading was 5 feet to 5.5 feet which had been replaced by 10 feet high security wall with PAC and civil police deployed in the inner cordon of the disputed structure, while CRPF was deployed in the isolation cordon¹³⁴.

- 33.11. Some suggestions made by Central Government were accepted, viz for deploying Magistrate and Gazetted Officer round the clock for supervising the security arrangements at the Complex, nearby buildings required to be

¹³⁴ Recorded in official File No. 22.200/13/D/92

secured against missiles, doorframe metal detectors and other equipments to be made functional, drop gates to be reactivated.

33.12. In view of the various contradictions, it emerged that though in principle the suggestions were accepted but were not implemented in its letter and spirit. Superficial and fallacious record was maintained with respect to suggestions having been accepted and implemented.

33.13. The Central Government was getting understandably perturbed by the acts and conduct of the State Government. During the course, the Central Government asked for a report from the State, as well as the plans of the tourism department. A mild threat that if the instructions of the Central Government were not followed, then the later would be forced to impose *President's Rule* in the state by invoking Article 356 of the Constitution was also held out in a fax sent by the Home Minister.

33.14. Kalyan Singh, the Chief Minister responded to the threat of imposing President's Rule on 24th of March 1992, asking the Central Government to stop thinking of dismissal of State Government. He then made public statement to the effect, "Irrespective of the fact that State Government stays or go, Mandir must be constructed.

33.15. When the question arose from the threat of the Home Minister for choosing between Government or Mandir, the Chief Minister Kalyan Singh stated that if it was a question of Government or Mandir, Mandir would be preferred. Land given to Nyas was not disputed since the Supreme Court held acquisition of 2.77 acres of land as valid. Possession of the same was

taken. Buildings were removed with consent. Whatever was going on in Ayodhya was in accordance with law.

- 33.16. The Home Minister pointed out on 29th of March 1992, that construction of compound wall did not obviate the need for barricades and concertina wires i.e. if the determined crowd within the walled enclosure attempt to damage the structure, there would be no physical barriers which would stop them in the absence of barricades. Digging would further endanger the structure. Damage to structure would widespread repercussions¹³⁵.

¹³⁵ Recorded in official record File No. 22.200/13/D/92

34. April 1992

- 34.1. Chief Secretary VK Saxena¹³⁶ pointed out that on 3rd of April 1992 during Ramzaan, Abdullah Bukhari made a statement, “*if Government failed to take right decision country may disintegrate.*”
- 34.2. Home Secretary and the Home Minister expressed concern about the fragile communal situation in the area with potentiality of serious repercussions¹³⁷.
- 34.3. Chief Secretary VK Saxena¹³⁸, stated that on the pointing out by the Central Government about the security measures in the Ram Janambhoomi complex, nine points were complied on the review of the security on 4th of April 1992¹³⁹.
- 34.4. Necessary orders were issued on 5th of April 1992, i.e. defective DFMD were replaced, monitoring by CCTV was reorganized, gate in front of Shakshi Gopal Mandir was used for exit only and was serviceable. Watch towers were to be manned. Required barriers at strategic locations to be made functional. It emerged from the evidence and statements that an arrangement for deploying security personal on roof tops were made. Five of the existing barriers were not removed and only rods were removed to avoid unnecessary inconvenience to the public. They would be installed when required, conduct

¹³⁶ CW13

¹³⁷ Refer to CW 13/39

¹³⁸ CW13

¹³⁹ Refer to CW 13/46 and CW13/20

and nature of the crowd to be seen; Manas Bhawan barrier was to be made functional, to put up three barriers, the approval for increasing the height to 20 feet was taken on 4th December 1992 by the home department and communicated on fifth of December 1992¹⁴⁰.

- 34.5. Ram Navami festival was held on 1st of April. Several lakhs Pilgrims were expected to visit Ayodhya for Darshan of Ram Lalla and they visited. Special arrangements were made during this festival. It was in this context that Shri SC Chaubey, commander of the paramilitary forces of Ram Janam Bhoomi-Babri Masjid Complex, along with CK Malik IG Security, DV Mehta DIG, DB Rai SSP Faizabad visited Ram Janam Bhoomi disputed structure on 1st of April 1992 to take stock of new dimensions of security. The visit was carried out on the asking of DGP Onkar Singh. At about 1.25 pm when about 30000 pilgrims were having Darshan around Shilanyas site some Shiv Sainiks raised provocative slogans and the situation was brought under control by arresting some of them. NC Pandhi¹⁴¹ and SC Chaubey¹⁴² submitted a detailed report on 25th of April 1992 with respect to past events and their analysis of the Ram Navmi festival. It was observed in the report that batches of 400 to 500 people were allowed to enter the Ram Janam Bhoomi-Babri Masjid Complex on the eve of the Ram Naumi, which was managed by local authorities and not by CRPF. It was admitted that not only

¹⁴⁰Corroborated by Madhav Godbole (DW13), SVM Tripathi (CW15), V.K. Sexena (CW13), and Murli Manohar Joshi (CW22), RN Srivastava and the affidavit of Kalyan Singh, DW-13/20

¹⁴¹ CGW32

¹⁴² CGW23

the festival was managed but also the arrangements were made by the local administration. About 7 lakh people/Pilgrims gathered in Ayodhya.

- 34.6. The distinction between pilgrims and *Karsevaks* as understood by one and all may be noticed. *Karsevaks* or the people who converged to Ayodhya on mobilisation or persuasion of organisers of the construction movement had got definite object or purpose i.e. their contribution in any form for the construction of the temple. Pilgrims were the ones who used to visit at Ayodhya on particular religious days or religious functions or for performing particular religious rituals. It was admitted that not only the festival was managed but also the arrangements were made by the local administration. The festival passed off peacefully¹⁴³.
- 34.7. A meeting was held in which District Magistrate participated. Measures for beefing up the existing security arrangements especially in the light of the recent demolitions of buildings in the complex, levelling of adjoining land, forthcoming Ram Navami festival on 11th of April 1992 were discussed. A request was made for deployment of the paramilitary forces in the inner cordon¹⁴⁴.
- 34.8. Subsequent to the visit of the NIC comprising of Subodh Kant Sahay, Suresh Kalmadi, MJ Akbar, etc. it was reported in media on 6th April 1992 that Khasa Bara Mosque was demolished.

¹⁴³ Refer to affidavit (DW-13/21) DW-13/21 and corroboration by Madhav Godbole

¹⁴⁴ Admitted by OPS Malik, (CGW16). Refer also to CGW-16/3

- 34.9. Simultaneously a legislative committee under the leadership of Sikander Bhakt went to Ayodhya on 7th of April 1992. The legality and propriety of the Committee led by SR Bommai was challenged. Undisputedly press arrangements used to be made by the District Magistrate and security used to be provided by the police on such occasions. NIC members were offered security and all traditions of protocol during their visit to Ayodhya. It may be noted here that it was declared that no demonstration would be allowed to be held.
- 34.10. LK Advani accompanied by Braham Dutt Dewedi and Anil Tiwari visited Ayodhya on 15th of April 1992 where he was received by Ashok Singhal and Paramhans Ramchander Dass. He admitted that acquisition of land by Government of UP was for temple and so far as the camouflage story woven by the government was concerned; it was for the government to explain it¹⁴⁵.
- 34.11. The Commissioner Faizabad wrote a letter to Chief Secretary on 18th of April 1992 for review of the security arrangements, which was repeated on 29th of June 1992. It was alleged that a security plan was prepared by IG Security, IG Lucknow Zone, IG CRPF, DIG Faizabad, and SSP Faizabad which, as stated earlier, was never produced before the Commission.

¹⁴⁵ Refer to the statement of LK Advani (CW23)

35. May 1992

- 35.1. In the *Sant Samelan* and during its meeting at Ujjain in May 1992, Marg Darshak Mandal was constituted of Shankracharya Swami Satyanandji Maharaj, Swami Vam Devji, Paramhans Ramchander Dass, and Ashok Singhal. Decision was taken in the meeting to demolish the disputed structure and construct the Ram temple. Swami Vam Devji, Paramhans Ramchander Dass, and Ashok Singhal participated in the meeting. The Sants were invited to observe *Chaturmas*¹⁴⁶.
- 35.2. The police reported about a meeting of about 100 Sadhus, Sants and Mahants including Jagatguru Sankracharya Satyamitra Nand, Mahant Nritya Gopal Dass, Mahant Paramhans Ramchander Dass, Dr. Ram Vilas Vedanti, Jagatguru Purushotamacharya, Vishavnath Dass Shastri, Swami Dharam Das, Jagatguru Ramanujacharyaji, Vasudev Acharya, Jagdish Muni, Swami Chinmayanand, Mahant Aavidyanath, Swami Vasudev Nand Jyotipeeth, Ashok Singhal, Acharya Giri Raj Kishore at the Manas Bhawan Trust. A committee of Swami Vamdev Ji, Paramhans Ramchander Dass, Mahant Aavidhyanath, Mahant Permanand and Chinmayanand was constituted and named the Advisory Committee for the Reconstruction of the Temple. It was decided by this committee that before taking any hard decision, they

¹⁴⁶ Refer to statement of Suman Gupta (CGW9) and N.C. Pandhi (CGW32). It was also mentioned in CGW 9/x and CGW 9/12. Neither publication nor facts stated therein were challenged by VHP or any other organisation.

should meet Prime Minister and apprise him of decision dated 13th of May 1992 taken at Ujjain to start karseva on 9th of July 1992.

- 35.3. Barbed wire, concertina rolls and iron pipe barricades were removed by 4th May 1992 from part of western, and eastern and southern sides and from the road outside the complex even as the Home Minister asked for review of security People and *Karsevaks* had an access to the complex. The Chief Minister replied that removal of barriers and concertina wire or barricades would not dilute the security in any manner. Measures suggested by the Home Secretary too were approved¹⁴⁷.
- 35.4. Mahant Avaidhyanath, Chinmayanand, Swami Parmanand Ji, and Swami Pariraj Ji, in their meeting with Prime Minister on 5th May, 1992 told him, that as nothing had been done during one year the karseva would commence on 9th July 1992. Prime Minister was told that he had no place for Hindus in his mind and was always thinking of minorities alone. Prime Minister replied by observing that the issue had got mixed up with politics and it should be separated. He further requested the religious leaders to proceed from the stage where dialogue with Muslims was broken during Chandra Shekhar during the tenure of his Prime Ministership.
- 35.5. The media published on the 20th of May 1992 that the centre was alarmed about the intentions of UP Government because of their attempt at dismantling the security and protective fencing around the disputed structure

¹⁴⁷ Admitted by Parkash Singh (CW14), DGP and VK Sexena CW13. Corroborated by CW 14/2, CW 3/20

and complex. A letter¹⁴⁸ was written to the State Government, pointing out the instances of breaking promises.

- 35.6. Home Ministry of India sought a report from the state and the district administration about dilution of the security vide its letter dated 29/30th of May 1992¹⁴⁹.
- 35.7. On the basis of the report, it was pointed out to the Chief Minister on 30th of May 1992 that digging 10 feet deep in front of the structure would result in collection of water. Dumping of earth would reduce the height of the parameter wall and fencing. Removal of barriers, barricading, or of concertina wire rolls was the lapses in security. Other lapses in the security were non-functioning of DFMD and HHMD, malfunctioning of channel gates, CCTV. Watch towers were absent. VHP and other speakers advocated drastic action at Ujjain during *Virat Hindu Sammelan*, including the declaration that next phase of karseva would be demolition of the structure. In view of an aggressive posture of VHP and other speakers, it was pointed out, that all these would add to the difficulty to prevent the determined crowd from rushing into the disputed structure or the complex¹⁵⁰.
- 35.8. Paramilitary forces and others pointed out that the security was being diluted. Principal Home Secretary UP informed one and all, especially the Central Government, that removed barriers can be resurrected immediately when the need arises. In fact, they were never resurrected thereafter. The facts were

¹⁴⁸ CW-4/10

¹⁴⁹ CW 13/20

¹⁵⁰ Note given by office in File No. 22.200/13/D/92.

corroborated by Parkash Singh¹⁵¹ the DGP UP. Recommendation for security too was made by S. Raghunathan, Deputy Director, Umesh Kumar Assistant Director and KG Rana, a team of IB Officers.

¹⁵¹ *CW14*

36. June 1992

36.1. The Home Secretary of India expressed concern at the fragile communal situation in the area having serious repercussions¹⁵²

36.2. VK Shukla on 7th of June 1992 informed DGP and Joint Secretary Home that digging/levelling and putting earth had weakened the security. Outer ring was removed, by removal of iron barricades and security walls. It became easy to enter the building from every place of Ram Dewar. Any person could ascend the barricading with the support of any wooden object because of putting of earth on the west and south side of the building. To the west of the disputed structure in the gate between newly built wall and barricade, iron piped gate was fixed with neither barbed wire put on the gate nor the gate being locked. Anybody could enter after opening the gate. Due to the commencement of levelling, security personnel, i.e. PAC deployed were not as vigilant as they were earlier. The workers of VHP or Bajrang Dal were negligibly stopped from entering. There was need for reviewing of the security. Apprehension of undesirable and determined persons harming the disputed building was expressed. Review of the security was requested¹⁵³.

36.3. Additional DG Security and Intelligence, IG Lucknow Zone and other senior officers of DG headquarters inspected the Ram Janam Bhoomi-Babri

¹⁵² *vide CW 13/39*

¹⁵³ *From the note recorded in File No. 22.200/13/D/92.*

Masjid complex on 10th of June 1992 and they prepared a report. Necessity of issuance of guidelines at state level was suggested¹⁵⁴.

- 36.4. Mr. Tripathi addressed a letter to Mr Prabhat Kumar on 11.6.1992 reporting the submissions made by DV Mehta, IG Lucknow Zone, RC Sharma, DIG Security who visited the site on 10th June 1992 and reviewed the security along with District Magistrate and SSP Faizabad. It was noticed that because of the dumping of earth especially on the western-southern side of the structure, the effective height of the security wall was reduced to 4 to 5 feet. It was opined that though there is no danger from inside but observed that from outside from the south side the height was reduced to 4 feet as compared to 12-15 feet, from where anybody by jumping the wall could enter the site. On east-west corner, the height was reduced to 7 feet. It was noticed that iron bars on wall was still bulging out and it was on completion of height to 20 feet the height would come to 15 to 16 feet. On security review, they were asked to complete the job of raising the height quickly.
- 36.5. It was observed that there were 13 sentry posts, 4 patrolling groups in uniform. The inner cordon was of pipes and concertina wire which was rendered useless for providing security because of filling of earth and any determined person by putting a wooden plank could cross the security barricade. In order to meet the situation patrolling for 24 hours, round the clock and deployment of police personnel in uniform round the clock, where the height was reduced, was ordered. It was difficult for police to come from the eastern side of the wall. Iron Gate on the western corner was found to be

¹⁵⁴ Letter CW-9/11

useful for police reserve to go in and come out. Local officers were directed to put lock and put sentry on duty round the clock on the gate with further direction of putting concertina wire on the gate to increase the security.

36.6. The National Integration Council was now reconvened. Chief Ministers of BJP and CPM ruled states were absent in the NIC meeting. SR Bommai demanded the structure to be declared as protected monument. He expressed apprehensions that water logging could seep into the foundation of the structure and weaken it. The State Government did not disclose the purpose of digging and levelling operation. The Government was making all efforts to resolve the Ram Janam Bhoomi issue amicably. A suggestion was made by Indrajeet Gupta in the NIC meeting that the Government should make a request to High Court to hear the Ayodhya controversy on day-to-day basis and expedite the judgment. This statement was published in the media which was reported in the Statesman.

36.7. SB Chavan stated that UP Government was fully responsible for the protection of the structure. The UP Government had shown scant respect and attention to approve the comprehensive security plan drawn up to protect the disputed structure by experts of central agencies. Steps were being taken since December 1991, which would affect and help in diluting the safety of the structure¹⁵⁵.

¹⁵⁵ Refer to CW-4/12

- 36.8. IG Lucknow Zone on 27 June 1992 sought clear instructions regarding the exact area to be protected.¹⁵⁶
- 36.9. Dharam Veer Mehta addressed a letter on the 27th of June 1992¹⁵⁷. It was said to have mentioned about some rough forecast for the likely construction plan made available by 15th of June 1992. It was examined by the local SSP and DIG Faizabad. One of the issues addressed in the letter was identification of the security zone. It was suggested that keeping in view the development concerning levelling of the ground since 22nd March 1992 on the acquisition of land surrounding the disputed structure, security may be provided to the disputed structure rather than buildings and land falling outside it. The security arrangements were not to interfere with the activities of the Tourism Development Department on 2.77 acres.
- 36.10. The Muslims' Wakf Board claimed the disputed building known as Masjid and land around it known as Ganj Suhidan. There was a court order for maintenance of security of the disputed structure which was within the isolation cordon guarded by CRPF. There was an outer cordon of barbed wire guarded by the PAC and unauthorized entry was barred. Vinay Katiyar suggested putting of the tin sheets around the outer cordon of the disputed structure or shrine with windows on the eastern and western side to lookout points for the sentries. The suggestion was not accepted and was considered pregnant with dishonest motive.

¹⁵⁶ Corroborated by VK Sexana (CW 13) Chief Secretary

¹⁵⁷ This letter was not produced before the Commission and hence Its contents are not verified

36.11. The work was going round the clock. It was to be regulated through the gate commonly known as Raghu Gate which was however closed. The proposal with respect to entry and exit was rejected on the ground that this was not possible till the metalled road of 10 feet width from the Raghu gate to Channel gate was ready. The road was to provide three barricaded lanes; one for men, one for women and the third for the police. The proposal to shift the steel pipe barricading on the eastern side to be pushed towards the wall in order to make space of 100 to 120 feet was approved. It was left to the Government to take a decision on the proposal to allow putting *Mandaps* during *Chaturmas* festival. Sadhus, organizers and devotees within the area, after frisking, were to be provided free movement in the area falling outside the barbed wire fencing. A suggestion about security around the *Sheshavtar* temple on the south and the west of acquired portion, for which a gate was required to be provided by breaking the masonry wall, was allowed. It was observed that since the construction was at a distance of 500 feet from the shrine consequently, this was of no consequence. It was observed that the anti-sabotage check, by the bomb disposal squad, falling within the masonry wall would not be possible unless the wall was cleared of crowd. The proposal to shift the control room near the channel gate to Sita Rasoi was considered approved. Maintenance of lighting was proposed to be taken care of after the decision on the sharing of expenditure¹⁵⁸.

36.12. Apprehensions were expressed in view of the statements made by Hindu religious leaders and the declarations of Marg Darshak Mandal that

¹⁵⁸. These proposals were approved vide DW-5/6

Chaturmas would be observed in Ayodhya to propagate the construction of temple. There were apprehensions of demolition when Ram Janam Bhoomi Nyas requested the State Government for permission for Puja on 9th of July 1992 in view of the apprehensions of the gathering of a large number of Hindu religious leaders and the easy access to the disputed structure in view of the changed circumstances. The need for more security arrangements was acutely felt, especially because of the charged Muslim emotions and their demands which might have lead to communal violence. The Government's instructions were further sought in view of the security arrangements to the disputed structure alone. Apprehensions of possibility of situation going out of control of organizers over the people within the walled area were expressed. A suggestion to issue badges to the local workers was not implemented as it was felt that checking entry by badges was not possible for such a large number of people coming in thousands daily. The Central Government continually conveyed its desire for the tightening of security¹⁵⁹.

- 36.13. It was pointed out that the levelling had changed the ground situation. The Commissioner on 29th of June 1992 wrote to the Chief Secretary that in view of the levelling, the security scenario at Ram Janam Bhoomi Babri Masjid had drastically changed. Local administration had supposedly prepared a new security plan, which however never saw the light of the day and was never produced before the Commission. The Commissioner made a request for review of security afresh and for constitution of a high level committee for

¹⁵⁹ Corroborated by VK Sexana, Chief Secretary (CW 13). Also refer to File No. 14.200/36/D/92.

guidance; he sought clear instructions regarding the exact area to be protected and the identification of security zone.

37. July 1992.

- 37.1. AK Saran made his first visit to the disputed structure in July 1992. The question of deployment of PAC force for security was considered. At this point of time, it was noticed that the coordination between IB and district police had broken down¹⁶⁰. He admitted that security of the disputed structure required beefing up in July 1992. There was likelihood of congregation of large number of *Karsevaks*, Sadhus and Sants around the disputed structure in Ram Janambhoomi-Babri Masjid complex. He admitted that the strength of the PAC was raised from seven companies to 10 Companies in July 1992 along with posting of SSPs and District Magistrate.
- 37.2. During July 1992 till the 27th of July 1992 when the *Karseva* was stopped, the print and electronic media covering the temple movement was constantly providing a progress report of the work done on each day and target for next day.
- 37.3. District Magistrate addressed a letter to the Chief Secretary for the need of discussion for security of disputed structure at a higher level in view of the karseva on 9th of July 1992. He informed the state and other high ups in administration about the Anusthan Yagya on 6th of July 1992 in 11 Mandaps, with an anticipated gathering of thousands of Sadhus, who would stay till 13th of August for Sawan Jhula festival. District Magistrate and SSP

¹⁶⁰ Refer to DW 13/21

Faizabad also informed Home Secretary UP about the Sant Sammellans for Sarvdharma Anusthan on 9th July at Ayodhya on the acquired land. They reported that they anticipated a formal declaration of the starting of construction. A request for constitution of a high level committee for guidance and review of security was made.

37.4. The following suggestions made by the government of India had been accepted. A Magistrate and gazetted police officer had been deputed for round-the-clock duty for supervising the security arrangement at the complex. Nearby buildings had been secured against the threat of missiles. Bomb explosive detective squad had been deployed. Door frame metal detectors and other equipment was repaired and made functional and ten drop gates reactivated. It is significant that though the suggestions had been accepted in principle but these were not implemented, especially regarding the activation of the drop gates, increasing the height of the security wall etc. The acceptance of the suggestions was a paper exercise and did not translate into actual action.

37.5. Various leaders made varying declaration in or around July. Ashok Singhal spelt out various achievements during the construction movement and expressed apprehensions of hurdles likely to be placed by Central Government in the construction of the temple. He urged the UP Government not to succumb to the pressure of Central Government and asked the Sants to use their influence with the politician to facilitate the construction of the temple and not yield to any pressure. He challenged the claim of parties for secularism. The success of the construction movement

was claimed on the basis of the construction of Ram Dewar, acquisition of land, giving of land on long lease to Ram Janambhoomi Nyas, levelling of land etc.

37.6. Swami Satyanandji declared that the sentiments of the people could not survive by the mere passing of resolutions. One had to take concrete and constructive steps and therefore urged the people for demolition of the structure without bulldozers or permission from High Court, even if it resulted in the dismissal of the government. A committee of Sants was constituted for this purpose¹⁶¹.

37.7. Before the Commission, it emerged that Mahant Nritya Gopal Dass exhorted the Sants to participate in the *Karseva* programme of Sarv Dharma Yagna Avan Anusthan commencing on 9th July 1992 which would later prove to be the backbone of the temple construction campaign. He stated that the Hindu community had been waiting anxiously for construction of the temple. He further exhorted the people to make the further decision towards the second step for the construction of temple.

37.8. Other leaders of the movement like Paramhans Ramchander Das urged the commencement of construction of the temple from Garb Grah, where idols of Ram Lalla were installed. He and all other Sants openly expressed the view that structure should be demolished.

37.9. Apprehensions of consequences of demolition of structure at the international level were also expressed at this time. Demands for taking

¹⁶¹ Refer to CW 9/X, a pamphlet published and widely distributed by the VHP.

action against the person responsible for the incidents of 1990, for withdrawal of the cases were made and payment of compensation to the dependents of deceased of 1990 was sought¹⁶².

37.10. Vamdev Ji labelled the VP Singh and Samajwadi Party as anti-Hindu, Congress anti-national and declared that they could not be trusted, being corrupt. He cited the giving of 3 Bigha land to Bangladesh as conclusive evidence of this corruption. Steps taken by the UP State Government for the construction of temple and other administrative act were appreciated. It was also proclaimed that the unity of Hindus which had been secured over the ages with great difficulty was in danger of being jeopardized and therefore urged the people to support BJP during elections.

37.11. Mahant Avaidyanath admitted that had there been not a BJP Government, VHP by itself would not have succeeded on their own in the construction campaign. It had been successful because of the active participation of the government of the time, which was appreciated by him. He opined that the mere declaration of a date for commencement of the construction would create more problems and without doing so the success achieved would be redundant. He appreciated the Kalyan Singh government's courageous stance to honour its election promise for the construction of temple. Various references relating to political steps, and other development works by BJP were made; the emphasis was on widening the gap between Hindus and Muslims. The people were assured that the Sants would be present along

¹⁶² Refer to CW 9/X

with the *Karsevaks* and were eager for the construction of the temple. The Hindus were exhorted to strike back at Muslims¹⁶³.

37.12. Yugpursh Parmanand expressed apprehensions that the Central Government would create obstacles for the construction of temple¹⁶⁴.

37.13. Ashok Singhal, in the foreword to his booklet "*Shipra Aur Saryu Ki Tarango Tak*", claimed that the secular parties were worried because of the success achieved by VHP towards the construction of the temple spearheaded by the Sants. The success of the campaign was projected citing figures regarding the number of people participating in the Ram Janki Rath Yatra, Ramshila Pujan, Shila Nyas and Ram Jyoti etc. It was proclaimed that cooperation for the construction of temple had been offered irrespective of religion, area, or sects¹⁶⁵.

37.14. It was stated that *Karsevaks* were now ready for the final fight, which they had amply demonstrated by their contribution to the *Karseva* on the 9th of July 1992 and as demonstrated by the speeches of various leaders made in May 1992 at Ujjain.

37.15. Vam Devji claimed the existence of a congenial atmosphere for talks between the Prime Minister Narasimha Rao and the Sadhus and Sants and he also claimed that the manner in which talks were conducted indicated that there would be no question of raising any objection at all for the construction of the

¹⁶³ Refer to CW 9/X

¹⁶⁴ Refer to CW 9/X

¹⁶⁵ Refer to CW 9/X

temple. Jagat guru Ramanucharya Vasudev exhorted the Sadhus and Sants to participate in their full strength in Sarvadev Anusthan to be held on 9th July during Chaturmas celebrations in Ayodhya.

37.16. The Chief Minister expressed his inability to shoot the *Karsevaks* and told the Prime Minister that he alone could order it, if needed. It was further mentioned that only the Central Government could stop the work.

37.17. The call for karseva was on 2.77 acres and at the disputed structure was to commence on 9th of July 1992. According to BJP White Paper it was the culmination of the events of the past 21 months. Sadhus and Sants, *Karsevaks* started converging on Ayodhya since the first week of July 1992 for *Chaturmas* religious ceremony, Sarvadev Yagna Avam Anusthan and for *Karseva* for construction of platform adjacent to disputed structure on 2.77 acres. Pilgrims too started arriving in Ayodhya for the Hindu festivals from the 13th of July 1992 till August 1992.

37.18. The security forces were under the explicit orders from political executive and the Chief Minister Kalyan Singh¹⁶⁶ not to use force against *Karsevaks*. Police, administration thus became a silent spectator and a part and parcel of the *Karsevaks*. The number of *Karsevaks*, Sadhus and Sants including pilgrims arrived in July 1992 in Ayodhya was assessed at 50,000 to 60,000. *Karsevaks*, Sadhus and Sants numbering about 10,000 to 20,000 present at any given time around the clock at the Ram Janam Bhoomi Complex or near the disputed structure or the site, while the remaining forty to fifty thousand

¹⁶⁶ as stated by Parkash Singh (CW14)

would be in Ayodhya town for the event. They stayed over till September 1992 in Ayodhya¹⁶⁷.

37.19. VHP and Marg Darshak Mandal now expressed dissatisfaction over the Central Government's slow pace in redressing the dispute. They expressed appreciation for the steps taken by the State Government in levelling and providing the facilities of broader roads for *Karsevaks*. A note with respect to *Karseva* and *Karsevaks* was submitted to Chief Minister¹⁶⁸.

37.20. SC Chaubey¹⁶⁹ stated that on 3rd of July 1992 it was noticed by the media that VHP was organizing convention of Sants, which was being opposed by Muslims. There were chances of skirmish with forces and damage to property. A request for proper frisking and presence of District Magistrate and a Gazetted officer near isolation cordon was made.

37.21. Home Secretary Prabhat Kumar sent a note to the Government on 6th of July 1992. Wherein the presence of 20,000 *Karsevaks* in the Ram Janambhoomi-Babri Masjid complex was pointed. The further likelihood of lakhs of pilgrims coming for Chaturmas and possibility of damage to the disputed structure being caused was highlighted by the UP Home Secretary Perbhat Kumar. The IG pointed at the IB's concern at the statements of Hindu leaders in the background of the judgment, and expressed his apprehensions of damage to the disputed structure, pointing it out as fact to

¹⁶⁷ Refer to statements of NC Pandhi (CGW32), and Madhav Godbole (DW13), to BJP White Paper and DW 13/21

¹⁶⁸ Affirmed by NC Pandhi (CGW32) and Madhav Godbole (DW13)

¹⁶⁹ CGW23

the State. IB pointed out at the urgent need of addressing this grave issue by the Government. The Chief Minister had also received similar information from various other sources and was reminded of his undertaking to NIC as well. The DGPs and IG Lucknow zone pointed out urgent measures required for the security of the disputed structure.

37.22. The Home Secretary made further recommendations to identify a security zone, provide tin sheet barriers around the disputed structure, isolating the disputed shrine by digging pitches outside the barbed wire fencing from eastern and southern side. He also recommended the regulation of entrance and exit through the Raghu Gate, readjustment of the steel pipe barricading on the eastern sides, regulation of visitors to areas falling within the masonry wall and strengthening of security around Sheshavtar Temple. A gate was proposed to be provided by breaking a portion of masonry wall for men and material; regular anti-sabotage checks by the bomb disposal squad; restricting the anti-sabotage check to the area falling within the isolation cordon, or up to the barbed wire fencing. The recommendations also included the shifting of control room, maintenance of lighting arrangement around the disputed shrine and that the responsibility of ensuring satisfactory lighting arrangement around the shrine should continue to rest with the State Electricity Board¹⁷⁰.

37.23. The Chief Minister approved some of the suggestions e.g. installation of doorframe metal detectors on the gates of security wall, providing a separate gate for construction material for the Sheshavtar Temple, provision of funds

¹⁷⁰ Mentioned in DW 13/22

to the District Magistrate Faizabad for further increasing the height of the Ram Dewar / security wall, strengthening the barricading and installation of channel gates at the entry point of devotees. Orders were also issued to station the PAC company within the inner cordon; to provide funds for expenditure on lighting in Ram Janam Bhoomi Complex from the budget of the Home Department. Five additional posts each of Magistrates, Deputy Superintendent of Police were created for supervising security arrangements¹⁷¹.

37.24. Prabhat Kumar, Principal Secretary Home asked the UP DGP and the District Magistrate Faizabad to carry out the suggestions. He emphasized the need for 24-hours supply of electricity in view of large gathering¹⁷².

37.25. Chief Minister assured the Home Minister of India that the State Government was bound to take all appropriate steps at all costs for the protection of disputed structure.

37.26. Discussion with respect to security as well as review of security was undertaken on 6th July 1992. Principal Home Secretary submitted a note¹⁷³ to Chief Secretary. Commissioner affirmed the meeting and the security and threat perception was discussed. SP Gaur¹⁷⁴, Commissioner Faizabad admitted that there was a record of discussions held on 6th of July 1992 but

¹⁷¹ Mentioned in DW13/22. Refer also to DW 13/21

¹⁷² vide DW 5/16

¹⁷³ CW 16/2

¹⁷⁴ CW9

this was not produced before the Commission, for reasons best known to UP State Government and its officers.

- 37.27. AK Saran was posted to Ayodhya on 6th July 1992. He accepted that security arrangements decided by State Government were made by IG Security in consultation with local and other officials and thereafter necessary instruction were issued. He himself visited the site only on 8th July 1992 and no change was brought about Security till December 1992.
- 37.28. VHP started proclaiming by 7th of July, 1992 that the structure would be demolished and temple would be reconstructed by giving a new terminology or name for construction as "*Jeernodhar*."
- 37.29. There is overwhelming evidence before the Commission from which it can be concluded that *Karsevaks*, Sadhus and Sants, organisers, leaders of VHP, Paramhans Ramchander Dass, Vinay Katiyar, Acharya Giraj Kishore and other leaders present in Ayodhya in July 1992 were in a defiant, rebellious and aggressive mood. DB Roy¹⁷⁵ consciously made a false statement that the mood of *Karsevaks* in July 1992 gathering was peaceful. This statement is contrary to statements made by leaders of the movement who were present at the spot. This and the other evidence mentioned in this report supports the statement made by Parkash Singh that DB Roy and AK Saran were posted against his advice and they were reported to be in hand and glove with political executive. They were subservient to the local leadership. The differences about the postings and transfers of the officers, imposition of

¹⁷⁵ CW7

political decisions on him and arm pulling by the political leadership, local leadership of Ayodhya and the protagonists of movement resulted in his being relieved of his charge of DGP on 30th of September 1992.

37.30. VHP and Ashok Singhal, Sadhus and Sants or *Karsevaks* gathered at the spot and refused to stop construction of platform undertaken from Singh Dewar or obey the orders of the High Court. Paramhans Ramchander Dass etc, who were in the forefront while declaring the commencement of the *Karseva* later disowned responsibility for it, asking the Central Government was asked to speak to the Sadhus and Sants. They refused to own the responsibility for the ongoing construction work and the campaign was portrayed as being without any centralised leadership; no one knew who was in charge of *Karseva*.

37.31. BJP leadership and Government of UP failed to stop the construction. They chose to be mute spectators. BJP leadership expressed their lack of capacity to talk to the leaders of the movement, and asked the Central Government or the Prime Minister to hold discussions with the Sadhus and Sants and *Karsevaks*.

37.32. Godbole¹⁷⁶ said that despite of stay, construction of Chabutra was undertaken while the State Government disowned the responsibility of the ongoing work and further refused to take recourse to stop the work and to disclose the identity of police officers helping *Karsevaks*. He stated that prior to 7th of July 1992 the movement was without a central leader. The Chief Minister claimed that use of force would pollute the atmosphere and instead asked the

¹⁷⁶ DW13

Prime Minister and Home Minister to persuade the Sadhus and Sants to stop construction¹⁷⁷.

37.33. A committee reported that considerable government machinery was being used on the site¹⁷⁸.

37.34. Commissioner Faizabad SP Gaur¹⁷⁹ accepted that the security and crowd control was the responsibility of state, yet he said that he had no knowledge about the demolitions which took place in April 1992 to July 1992. He accepted that the arrangements for security in July and December 1992 were the same¹⁸⁰. SP Gaur also admitted that instructions issued by State were not brought on record wherein security was reviewed keeping in view the threat perception. SP Gaur as the Commissioner Faizabad convened a meeting attended by DIG police, District Magistrate, SSP Faizabad wherein the security plan dated 13th of July 1992 (which has not been produced before the Commission) was discussed. Braham Dutt Dewedi and Rajinder Gupta, Ministers were admittedly in charge of Ayodhya and development of Faizabad.

37.35. Ministry of Home Affairs on 11th of July 1992 pointed out as many as 12 serious security lapses and deficiencies. There was an inadequate deployment of the CRPF. There was a need barricade supplementation. Arrangements

¹⁷⁷ Refer to DW 13/54. See also a book by the Home Secretary of India, Madhav Godbole DW13, "Unfinished innings"

¹⁷⁸ Corroborated by Madhav Godbole DW13

¹⁷⁹ CW9

¹⁸⁰ Refer to CW 9/9. This was sent to the Home Secretary by the District Magistrate.

for frisking were inadequate. There was a need for protecting the policemen against projectiles which may be hurled from nearby residential houses, possibly by deployment of police on the nearby rooftops. Door frame metal detectors and close circuit TV cameras were not being regularly used. The effective height of the barbed wire fencing had been reduced due to the dumping of soil around it. A police post was required along with the physical presence of senior police officers at the site. There was a threat perception due to the large number of people staying in and around Ayodhya and congregating within the complex. It was desirable that Sadhus and Sants did not bring items like *trishuls* with them. Need for better crowd control around the structure, i.e. not more than 20 persons to be permitted at one time. On account of removal of the various barriers around the structure, isolation cordon had become vulnerable, and needed concentric rings of police personnel to stop the possibility of large crowds coming too close to the structure. Additional security plan prepared by the State did not contain anything substantive and yet the central plan was not being implemented.

- 37.36. The Home Secretary pointed out that 45 companies of paramilitary forces were placed at the disposal of the State Government out of which only 3 had been deployed. The UP Government was requested to place at least 5 of these companies in Ayodhya itself, 5 additional companies could be released on the condition that they would be deployed in Ayodhya alone. The government was also requested to suspend the construction. It was pointed out that with reference to letter dated March 30, 1992 Home Secretary had not received the plans. Technical evaluation of the effect of digging etc was

also requested. These points were repeated and reiterated in a letter dated 13th July 1992¹⁸¹.

37.37. The Home Minister of India visited the site on 12th July 1992 and gave suggestions for strengthening of security, which were accepted and communicated to DGP for their implementation¹⁸².

37.38. On July 12, 1992, Kalyan Singh expressed gratitude for the expression of satisfaction of the security arrangements on the visit of the Home Minister and repeated assurances for the complete safety of the structure. The Chief Minister also mentioned additional steps that had been taken for the security of the structure. These included some of the items pointed out in the Home Ministry's letter of July 11, 1992. He also stated that inspite of the Central Government not providing enough force to deal with terrorism in Tarai, there was communal harmony in the state¹⁸³.

37.39. SSP Faizabad undertook a security review on 13.7.1992 and submitted a report to DIG Faizabad¹⁸⁴.

37.40. Uma Shanker Vajpayee wrote to Surinder Pal Gaur, Commissioner Faizabad Mandal with reference to the 12 points relating to security suggested by the Intelligence Bureau. It was informed that some action had taken. An 18-inch wide and 10 feet high security wall security had been completed. A

¹⁸¹ Refer to CW 16/A, DW 7/4

¹⁸² Refer to DW-13/22

¹⁸³ Refer to DW 5/9

¹⁸⁴ Refer to DW 13/20

further increase in the height by 10 feet would obviate the necessity for barbed wire on it. Mobile security teams had been deployed around the under-construction wall on the outside, on the road. Since pilgrims were expected to go on the road along the wall, it would not be appropriate to put pressure sensors there. So far as infra-red beam pillars were concerned, the details were being worked out with Intelligence Bureau. Three CCTV cameras were working and 6 more were being procured. After the height was increased to 20 feet, there would be no need of digging a trench around the security wall. An electricity generator was being connected through a separate line. Dragon lights were being arranged separately. All DFMDs were working and appropriate barriers had been put in to regulate the entry of the people. Mounted police had been deployed the police had been properly briefed. According to the Intelligence Bureau planning, urinals and police control room were and in place and road was being broadened; the entrance and the exit were now separated. The security plan had been reviewed and would be implemented. According to this plan 7 companies of PAC and 4 companies of CRPF were to be deployed. In view of the Sarvdev Anusthan Yagya, security measures had been tightened by providing 3 more companies of PAC and 175 constables. In view of the changed circumstances, putting up of tin-sheets would not provide any additional security and a decision would be taken on the issue in the future. No weapon was allowed to be taken in the disputed structure. Control Room had been established in Sita Rasoi, on the side of the 100 feet wide road for which land had been given.

37.41. Some noticeable events during the period of 13th to 15th July 1992 were that S.B.Chavan the Home Minister of India informed the Lok Sabha that the UP Government had violated the court's orders. Allahabad High Court refused to stop excavation. It was proclaimed by one and all that structure would not be allowed to be touched. Prime Minister stated in Lok Sabha that structure would not be allowed to be demolished. He invited the VHP for talks. The Supreme Court asked for details as to whether any permanent construction had been made etc. The High Court directed construction to be stopped.

37.42. Traffic plans for pilgrims coming and going is alleged to have been prepared. It was noticed that exit and entrance passage of road from Singhdwar to Durahi Kuan would be divided into three parts, one for men, one for women and one designated as the exit. For the area within security wall from eastern side of security wall to near Sita Koop, a passage had been made available for entrance and exit, from where the entry to the disputed structure was not possible. No traffic plan has actually been produced before the Commission¹⁸⁵.

37.43. High Court on 15th of July 1992 ordered the construction activity to be stopped. The administration however failed to implement this order although it proclaimed to have made attempts to implement it.

¹⁸⁵ Recorded officially in File No 14.200/36/92.

37.44. The Home Minister also asked the Chief Minister vide Letter dated 16th of July 1992 to implement the High Court's order¹⁸⁶.

37.45. DGP, UP informed the Chief Secretary on 16.7.1992 that there was no need to handover the security of the Isolation Cordon to the CRPF, as withdrawal of 3 companies of CRPF from other district would be needed for this purpose. He pointed out that the Magistrate and gazetted officer on duty in isolation cordon were conscious about threat from explosives and therefore anti-sabotage team and bomb-disposal squad had been deployed. He suggested the entry of the visitors to Garb Grah should be restricted to groups of 20 people; more on festivals and busy days. Regulating the pilgrims in various places within and outside the Ayodhya town was also suggested. Frisking for security was being done. DFMD and other equipments were already there. Reply on these lines was sent to Home Ministry.

37.46. The Counsel for the state of UP informed the Supreme Court on the 16th of July, that Sadhus and Sants were preventing officials from visiting the site. The Additional District Magistrate and Additional SP had failed to persuade the 10,000 to 20,000 *Karsevaks* present at the spot to stop the construction. District Magistrate and SSP, Faizabad too failed to persuade the *Karsevaks* to stop the construction¹⁸⁷.

37.47. The publicized attempts of the administration themselves contributed to a surcharged environment. To comply with the court's order was not possible

¹⁸⁶ Recorded in official record in File No 14.200/36/92.

¹⁸⁷ Corroborated by RC Aggarwal (CGW31) the then Home Secretary.

without risking of lives, it was stated. Ashok Singhal, Paramhans Ramchander Dass, Onkar Bhave, Mahant Nritya Gopal Das, Swami Permanand, Ramanujacharya Swami Purushotamcharyaji; Ram Vilas Das Vedanti, Pandit Akhileshwar Das-Janaki Ghat; Swami Ram Das-Haridwara, Swami Ram Surat Sharan-Golaghat; Mahant Saryu Das-Raghav Mandir; Prem Das Ramayani; Rajinder Singh Pankaj-Saharanpur; and Kaushal Kishore-Varindavan refused to stop the construction at any cost.

37.48. Paramhans Ramchander Dass said that notice would need to be served on all the *Karsevaks* who were doing the *Karseva* in order to stop the construction.

37.49. The Governor asked for a report about the compliance of the Supreme Court's order. The Home Minister of India asked the District Magistrate to enforce the Court's order. The District Magistrate sought directions from the Chief Secretary, who told District Magistrate to comply with the orders of the Supreme Court. District Magistrate got back with a report on the unwillingness of Sadhus to stop construction¹⁸⁸.

37.50. During this period, around the 20th of July 1992 a meeting of BJP and VHP leaders including L.K. Advani, Vijay Raja Scindia, Murli Manohar Joshi with the Chief Minister took place at Lucknow. There is nothing on the record about what transpired in this meeting. LK Advani disclosed that in the meeting emphasis was focused on Government to take the initiative for a dialogue between the two parties, who were brought to the negotiating table

¹⁸⁸ Refer to CW13/50 and CW13/51, CW13/55, CW13/56, CW38/57, CW13/58, and CW13/59

by Chander Shekhar. Objection with respect to the use of word ‘mosque’ by the Prime Minister for disputed structure was taken.

37.51. The Home Minister was informed that there was no danger from *Karsevaks* to the peace and security. Additional forces of 10 companies of PAC, four companies of CRPF, 1CO, 3 DSP, 25 sub-inspectors and 210 Constable were deployed for the security.

37.52. The security arrangements were now centred only around the disputed area. Earlier the arrangement had been widespread and extensive, but had now shrunk. It was not possible to control the number of people within the security wall. It was suggested to the organizers to give identity cards to the *Karsevaks*. Suggestion was accepted but no action was taken. Anti sabotage, checks were carried out at the time of opening of temple and closing of the temple, which was not possible in the adjoining premises because about 4,000 to 5,000 people were there around it. The security of the disputed structure was reported to be associated with the security of the disputed premises¹⁸⁹.

37.53. Faizabad administration on 19th July, 1992 refused to use force to evict the *Karsevaks* for due compliance of the court’s orders. Kalyan Singh Chief Minister had already expressly prohibited the use force or any other coercive process against the *Karsevaks* or their leaders after his taking over as the Chief Minister as the temple construction was the election manifesto of BJP. The administration therefore now reported that it was not possible to use force as it would lead to large-scale violence. This report was perfectly in furtherance

¹⁸⁹ Refer to CW 16/5

and inconsonance of the election manifesto; the eviction of the *Karsevaks* was now next to impossible. This was reported to the Chief Secretary.

37.54. Kalyan Singh Chief Minister warned the Central Government on 21st of July 1992 against sending Central forces or their use against the *Karsevaks* as it would lead to a law and order crises.¹⁹⁰

37.55. Shaker Aggarwal¹⁹¹, the Special Secretary Home at the relevant time accepted that the administration depended on VHP to control the crowd of *Karsevaks*.

37.56. RC Aggarwal¹⁹² pointed out the ineffective and casual frisking by the security forces, referring to the incident of recovery of a knife from one Ram Parkash. VHP and Ashok Singhal still refused to stop construction of platform undertaken from Singh Dewar.

37.57. BJP leaders LK Advani, A. B. Vajpayee, MM Joshi, Rajmata Vijay Raja Scindia, met the Prime Minister on the 21st of July 1992. AB Vajpayee suggested that the Prime Minister should call the Sadhus and Sants and talk to them about construction. The Prime Minister wanted the suspension of the *Karseva*. The RSS told the Prime Minister to talk to Sants and Sadhus for this¹⁹³. It was claimed that no one knew who was in charge of the *Karseva*. The very leaders of VHP, BJP, and RSS who had made the announcement

¹⁹⁰ Refer to the statement of Parkash Singh (CW14), as well as the other evidence and a conjoined reading of the circumstances.

¹⁹¹ DW7

¹⁹² CGW30

¹⁹³ Refer to the BJP's White Paper

regarding the *Karseva* now disowned the responsibility for it and asked the Central Government to talk to the Sadhus.

37.58. Ashok Singhal expressed hope of solving the problem within three months as stated by the Prime Minister in the meeting of Sants in Delhi. K.Sudershan admitted that during this period, considerable part of the Chabutra had already been built. The Supreme Court on 22nd of July 1992 directed the UP Government to unconditionally stop the construction going on in Ram Janambhoomi complex. The UP Government assured that the orders would be implemented by 27th of July 1992.

37.59. S.P.Gaur, Commissioner, Faizabad stated that the security arrangements were reviewed in the meeting taken by him with DIG, District Magistrate and SSP Faizabad on 23rd of July 1992. He stated that security plan dated 13th of July 1992 and the alternative plan dated 21st of July 1992, prepared by SSP Faizabad were discussed¹⁹⁴.

37.60. The Prime Minister thereafter held discussions with the Sants on 23rd of July 1992. They refused to implement Supreme Court's order and UP administration refused to use force to implement the same claiming that, it would lead to large scale violence. It was after the Prime Minister's intervention that the *Karseva* was finally stopped. The Prime Minister was given a time of three months to resolve the dispute.

37.61. Home Secretary of India sought information on the 25th of July 1992 about the activities with respect to the acquired land, the construction, Bhoomi puja

¹⁹⁴ Refer to CW 9/4

for Shesh Avatar Temple, present status, transfer of land by lease to Ram Janambhoomi Nyas and its possession etc.

37.62. The campaigners for the construction of the temple, on or about 26th of July 1992, announced that the *Karseva* would be resumed in November 1992. The next phase of *Karseva* would be around October or early November. LK Advani once again during this period, stated that the Ayodhya dispute could not be settled through court cases.

37.63. In a TV interview on the 27th of July 1992, Prime Minister Narasimha Rao stated that there those who were secularists, and believed in governance based upon constitutional principles were agitated over the dispute, the development of the disputed structure being an impolitic representation. He bemoaned that the orders of the Lucknow Bench of the High Court were not being implemented despite assurance of the UP Government to the NIC. The Central Government believes that avenues of amicable solution be explored in the first instance; do not undermine the basic principles of constitution. The state must respect the verdict of court. Responsibility of UP Government to ensure the compliance of courts order to stop construction activity was pointed out. He stated that the situation was allowed to escalate by the State Government up to a point and now the State Government was expressing its inability to do anything and passing the onus on to the Central Government. He invited the Sadhus and Sants for negotiation but the dialogue could only be undertaken after the construction activity was stopped.

37.64. It was stated that the pacific settlement would be facilitated by the Central Government within four months time and this approach was found acceptable by all. The objective of the Central Government had been to defuse the situation and to avoid a confrontationist approach. The government was conscious of upholding the dignity of judiciary and respect for the rule of law. The Prime Minister pointed out that even the Congress electoral manifesto declared that they were committed to finding a negotiated settlement and if one could not be arrived at, then all the parties must respect the verdict of the courts. The Congress was for the construction of the temple without dismantling the mosque. The Prime Minister made a similar statement in the Parliament on 27th of July 1992.

37.65. S.C.Dixit, a prominent leader of the VHP, while rebutting the Prime Minister's version, stated in the Parliament that *"there is a difference between the Prime Minister's understanding and that of Sadhus on what transpired between them should be cleared before any negotiations. Sadhus and Mahants will give three months time to the Government to solve the problem after which the process of negotiation will no longer be binding on them."*

37.66. The Home Minister prepared a proposal for consolidation of litigation in various courts in matters relating to Ayodhya and prepared a proposal to refer to the Supreme Court under article 138(2) of Constitution of India by issuing a special legislation for the purpose. Notably, Madhav Godbole¹⁹⁵ observed that though this proposal of reference to the Supreme Court under article 138 (2) was made, but the final decision was that it should not be pursued. It

¹⁹⁵ DW13

was decided on the contrary to request the Supreme Court to pass an order taking over all the litigation.

37.67. Ashok Singhal intimated the *Karsevaks* that the *Karseva* would restart sometime in October or November while the construction of Shesh Avatar Temple would continue. This was repeated in the public meetings on 28 July, the 9th September, and on 16th, 18th and 31st of October 1992¹⁹⁶.

37.68. A committee was constituted on 29th July to assess the consequences of water logging and ex post facto approval was taken for the same.

37.69. Ashok Singhal declared on 31st of July 1992, which declaration was published in the media and which is not contradicted by anybody, that any constitutional or court solution even if found, would not necessarily mean that the same would be accepted by VHP.

¹⁹⁶ Refer to CW 9/4

38. August 1992

- 38.1. A request for review of security was again made on the 4th of August, 1992¹⁹⁷
- 38.2. The Supreme Court on 5th of August 1992 declined to transfer the land acquisition cases to itself and appointed a local commissioner to inspect the sites and report on any violation of its order.
- 38.3. A strong objection was taken by the hardcore protagonists of the temple campaign to the Prime Minister referring to the disputed structure as the *Babri Masjid* in his speech on Independence Day in 1992.
- 38.4. Kalyan Singh too took a similar stance in spite of being the Chief Minister declared on the 23rd August that "If the decision of Hon'ble Supreme Court with respect to Ram temple would be against the emotion of Hindus, we will make a separate law for the construction of temple"
- 38.5. The Home Minister of India requested a review of the security in association with the IB and CRPF. The DGP held a meeting for reviewing the security on 28th Aug 1992¹⁹⁸ and took some decisions with respect to security¹⁹⁹.
- 38.6. An Ayodhya cell was created under the Chairmanship of Naresh Chandra on 30th of August 1992.

¹⁹⁷ Corroborated by RC Aggarwal (CGW31)

¹⁹⁸ Refer to CW31/19, CW 31/19A, DW 13/20. The fact was further corroborated by V.K. Sexena (CW13) chief secretary and Madhav Godbole (DW13) Home Secretary of India.

¹⁹⁹ Refer to DW 13/20

39. September 1992

- 39.1. It was announced that *Charan Paduka Puja* would commence from 26th of September and go on till the 25th of November. Sadhus would carry Charan Paduka to 6,00,000 villages for recruiting 60,00,000 *Karsevaks*. *Karsevaks* recruited were required to swear an oath that they would not return from Ayodhya before the construction of temple was complete. This *Karseva* was likely to take place in November and about 5000 Sants were expected to congregate in Delhi.
- 39.2. Mobilisation for Charan Paduka Puja continued in the last week of September. During this process, V.H. Dalmia and Ashok Singhal stated that the temple could not be constructed without demolition of the mosque. The Chief Minister, in his rally at Lucknow, expressed doubts about intentions of the Prime Minister for negotiations. He further expressed his preparedness to start the construction at the direction of Sadhus and also stressed on the need for mobilisation at the national level.
- 39.3. The UP Government issued a press statement stating that so long as the land was in the custody of government, no construction would be done over it. The statement was published by the media on the 2nd of September 1992.

- 39.4. The Central Government asked the State Government on 7th of September to review the security by associating CRPF and IB in view of likely presence of a large number *Karsevaks*²⁰⁰.
- 39.5. The Central Government team sent a letter to the State Government on 14th of September 1992 asking the state Home Secretary Prabhat Kumar about the action taken on its report. A copy was sent to the DGP, District Magistrate and special secretary²⁰¹.
- 39.6. The state replied to the letter stating that the security has already been reviewed at the highest level, without association of IB and paramilitary forces for security²⁰².
- 39.7. The Chief Secretary pointed out new dimensions about the damage to the disputed structure, changes in security arrangements on site around Ram Janam Bhoomi as well as high level review of the security²⁰³.
- 39.8. The SSP Faizabad reported incidents of skirmish with the Assistant Commandant CRPF and a complaint was made by Uma Bharti about alleged misbehaviour with her, by the CRPF.
- 39.9. Ashok Singhal on 21st of September, issued a statement that the temple renovation committee would take the decision with respect to continuing the *Karseva*. It was further decided to start the construction in accordance with

²⁰⁰ Refer to CW13/40

²⁰¹ The contents are recorded in File No. 21.200/44/D/92.

²⁰² Refer to CW13/40

²⁰³ Refer to CW9/6

the decision of Sants and carry out the mobilisation for the same at national level.

39.10. The VHP took a decision on the 24th of September that the period of three months given to the Prime Minister for resolving the dispute would not be extended. The people were asked to be prepared to start the construction work at the direction of Sants. Mobilisation at the national level was carried out.

39.11. Review of the security and discussions with SSP was held on the 29th of September. It was pointed out that the building of the security wall had not progressed and no construction work had been undertaken for the last many months. The Chief Secretary asked the DGP Tripathi for making the necessary security arrangements. DIG Uma Shanker Bajpai wrote to Commissioner Faizabad for a review of security in view of contents of letter of 29th of September after discussion with the SSP. The letter could not be found in the official records.

40. October 1992

- 40.1. The Home Minister of India admittedly held a meeting of VHP and AIBMC in October. This meeting of experts was held on 3rd of October 1992 with SB Chavan, the Union Home Minister in the chair. Badri Prasad Toshniwal, Ashok Singhal, S.C Dixit, Onkar Bhave, Justice Devki Nandan Aggarwal, Dr. S.P. Gupta, Dr. B.R. Grover, Dr. Devendra Swaroop Aggarwal, Justice Dharam Vir Sehgal and Dr. Harsh Narain participated as nominees of the VHP. Sultan Shahabuddin Owaisi, Syed Ahmad Bukhari, Mohd. Azan Khan, Jawed Habeeb, Zafaryab Jilani, Dr. Shafiqur Raman Burq, Prof. R.S. Sharma, Prof. Surag Bhan, Prof. B.N. Jha, Syed Abdul Barkat Nazmi, Maulana Idris Bastavi and Maulana Muzzafar Hussein Kichhauchhavi as nominees of AIBMAC participated in the meeting. Coordinators of the meeting were Sharad Pawar, the Defence Minister, Bhairao Singh Shekhawat, Chief Minister Rajasthan, P.R. Kumaramangalam, Minister of State for Parliament Affairs and S&T, and Subodh Kant Sahay, former Minister of State (Home).
- 40.2. The AIBMAC presented a questionnaire addressed to VHP. Both sides were requested to give evidence. VHP put up their claim in writing, while AIBMAC did not put up any written claim. It was repeatedly said that no further time would be given after 23rd October 1992.
- 40.3. Commissioner SP Gaur Faizabad was of the perception that the call for *Karseva* given by VHP was for construction of temple on 2.77 acres acquired

land and at the disputed site. He sought appropriate directions for security of the disputed structure in view of these changed circumstances. A reminder was sent by him on the 14th of October. An assurance was given by the state to the Supreme Court that no construction would be carried out in the acquired land²⁰⁴.

- 40.4. The Central Government, in view of the altered topography of the Ram Janambhoomi-Babri Masjid complex requested State Government for a review of the security, keeping in view the suggestions made by DGP CRPF on 17th of October 1992 by associating CRPF and IB. One company of CRPF with a Mahila CRPF Company was deployed in the isolation cordon of the disputed structure. State police and PAC were deployed in inner cordon. Force was deployed for the protection of Ram Janambhoomi - Babri Masjid shrine, i.e. the disputed structure. To ensure effective coordination between the forces deployed in the isolation cordon, it was suggested that responsibility of deployment of PAC / state police etc. within the inner cordon be. It was also suggested that a Magistrate and a Gazetted local police officer be exclusively posted for duty with the CRPF in the isolation cordon. The entry of visitors to Ram Janambhoomi -Babri-Masjid Shrine (Garb Grah) was to be strictly regulated in manageable batches. They were to be escorted by the civil police personnel. Batches were not to be of more than 20 persons. Entry of the next batch was to be allowed only after the first batch moved out of the isolation cordon. The crowd of VIP / visitors needed to be regulated from various places within and outside Ayodhya town. In no

²⁰⁴ Refer to CW9/40 & CW 9/14

circumstances, large crowd was to be allowed to collect on the entry points of outer or inner cordon of Ram Janambhoomi Babri Masjid shrine thereby bringing avoidable pressure on the force deployed in the isolation cordon. It was further suggested that the adjoining buildings of Ram Janambhoomi - Babri shrine like Sita Ki Rasoi and Manas Bhawan etc were to be appropriately secured against any possible mischief by rowdy elements. The disputed structure was required to be protected from any damage from these buildings. Installed equipment was to be rechecked. Drop gates to be put up again. It was suggested that there was a need to deploy bombs/explosive detection squads consisting of the trained and skilled personnel at appropriate places. The core of the security arrangements of Ram Janambhoomi -Babri Masjid complex continued to lie with an effective system of frisking and checking of visitors. Checking of visitors was to be carried out under the personal supervision of gazetted police officer.

- 40.5. It was again pointed out that due to inadequate and ineffective regulation of crowd in and around Ram Janambhoomi -Babri Masjid complex, batches of 400 to 500 persons were allowed by the local authority to enter the Garb Grah on Ram Naomi Day i.e. 11th April, 1992. As a result of this, the CRPF deployed in the isolation cordon was outnumbered and overwhelmed. They virtually performed an impossible task in manning the isolation cordon. Only a semblance of security of the disputed structure was kept. Door frame metal detector and other equipment installed for regulating /checking of visitors were not working properly and the local authority was not paying any attention for putting them in order. It was brought to the notice of State that

despite of repeated requests and personal contacts, the State or authorities had not shown any inclination for implementing the suggestion given by Central Government. It diluted the effectiveness of the limited CRPF contingent deployed for the security in the isolation cordon of the disputed structure. It was felt that as the CRPF was deployed to assist the State police, it would be advantageous to provide clear-cut drill and instructions for the course of action to be adopted by the CRPF personal in such circumstances, to discharge their responsibility of the security of Ram Janambhoomi-Babri Masjid shrine effectively. A request was made to do the needful at earliest by calling a meeting of all the agencies concerned including CRPF²⁰⁵. A similar request was made by Home Secretary of India, and reiterated by Vinod Dhal, Joint Secretary (Home)

- 40.6. Bal Thackeray took a decision on 25th of October 1992 to participate in the *Karseva*. It was announced that this was not going to be a mere symbolic *Karseva*, but the actual *Karseva* at the spot by construction of temple.
- 40.7. RSS observed on 27th October 1992 that three months had elapsed and no amicable solution had been found nor any perceptible result had achieved by the government. Finally, on 29th October , the negotiations collapsed.
- 40.8. VHP called and organized a meeting of the Dharam Sansad on the 30th of October for deciding the future course of action. In the meeting, the Sants expressed their angst at the inability of the Prime Minister to resolve the

²⁰⁵ Refer to the statements of VK Sexena (CW13), RC Aggarwal (CGW31), Madhav Godbole (DW13) and CGW 31/21A

dispute. They referred to his description of the disputed structure as mosque in his Independence Day speech delivered from the Red Fort and took that to be a clear indication of his intentions.

40.9. They wanted the Prime Minister to hand over the disputed structure to Hindus. Acharya Dharmendra Dev stated that he had already decided the 6th of December 1992 for the *Karseva*, which decision was later approved by all Sadhus.

40.10. The decision was taken to resume the *Karseva* on the 6th of December 1992. Thereafter Dharam Sansad also concurred in this decision taken by the Kendriya Marg Darshak Mandal.

40.11. NC Pandhi²⁰⁶ said that Acharya Dharmendra Dev visited the disputed structure on 31st of October 1992.

40.12. DGP SVM Tripathi visited the disputed structure on 31st of October and the 1st of November to look over the security arrangements.

²⁰⁶ CGW 32

41. November 1992

- 41.1. In November 1992, the Chief Minister refused to associate the CRPF or the Intelligence Bureau in reviewing the security, asserting that State Government was competent to secure the disputed structure. Nevertheless, the Central Government stationed 195 companies of paramilitary forces near Ayodhya in case of need.
- 41.2. The festivals of *14 Kosi Parikarma* and *Kartik Poornima* were scheduled to be held from the 3rd to the 10th of November in which lakhs of pilgrims were to participate eventually²⁰⁷.
- 41.3. A.K. Saran informed the DGP about the adequacy of security provided for the disputed structure and the complex during festivals. Force deployed consisted of 10 companies of PAC, 6 companies of CRPF, 33 Sub Inspectors, 3 main reserve and 80 reserves. The emphasis was solely on the deployment of security forces for the disputed structure and the complex during festivals. It was further informed that 80 reserves would be deployed from 1st of November to the 11th of December²⁰⁸.
- 41.4. Ashok Singhal declared on 8th November that negotiations had finally failed. *Prabhat Pheri's*, ringing of *thalis*, blowing of conches, ringing of bells etc. on 29th November was carried out.

²⁰⁷ Refer to DW 13/31

²⁰⁸ Refer to CW 8/9

- 41.5. *Karsevaks* were to come to Ayodhya from Gonda, Barampur between the 4th to 7th December; from Kanpur Rural and Bihar from 5th to 7th December and thereafter from Sita Pur and Bisvan from 7th to 9th December. A decision for issuing identity cards to the *Karsevaks* after identification was taken²⁰⁹.
- 41.6. The Chief Secretary held a review meeting on 2.11.1992 for reviewing the security. Prabhat Kumar Principal Secretary Home, SVM Tripathi DGP, SNP Sinha Additional DGP Intelligence, CK Malik IG Security, AK Saran IG Lucknow Zone, and Shekhar Aggarwal Special Secretary participated in the meeting. In the meeting, the letter addressed to the Chief Minister by security forces especially with respect to report on the happening on Ram Naomi in April and the suggestions from paramilitary forces and Central Government were considered. It was decided to beef up the security arrangements²¹⁰. It was asserted that though between the 3rd and 10th of November several lakhs pilgrims had visited Ayodhya on the occasion of *14 Kosi* and *Kartik Poornima* yet the disputed structure had remained safe²¹¹.
- 41.7. It was decided that there was no need to hand over the responsibility of the inner cordon to the paramilitary forces as requested by them. There was no coordination between CRPF and PAC, while deployment of Magistrate and Gazetted police officer was already there. Regulating the entry on ordinary days was not required and during festivals it was likely to be done. It was observed that changing the measures would create law and order problem as

²⁰⁹ Recorded in official file number 23.1R-1074-92-CX-2 as a note. Corroborated by AK Saran, IG in CW 8/9

²¹⁰ The proceedings were recorded in CGW 23/24

²¹¹ Corroborated by Shekhar Aggarwal (DW7), SC Chaubey (CGW23), V.K.Sexena (CW13)

all would not be able to have Darshan. It was felt that the security of disputed structure from the adjacent *Bharwan* had been ensured. Bomb disposal squad was deployed and frisking was carried out in presence of one area police officer who was stationed in complex along with the Magistrate.

- 41.8. It was highlighted that so far as the responsibility of CRPF for security was concerned, they were deployed for the support of the State Government and ought to work under its control. The CRPF's apprehension regarding recommencement of the construction was brushed aside because it was felt that there was no possibility of anyone defying the Supreme Court's order. Construction of a security gate was rejected on the excuse that it would violate the court's order and under garb of repair of the disputed structure, construction may be undertaken. A decision for making funds available to district officers for raising the height of the wall was taken. It was observed that all the suggestions made during the Central Government's team visit on 12th – 14th July had already been complied with. Installation of link hanged wire and pressure sensors was declined. With regard to infrared beams, more information was sought from Central Government. Watch towers were decided to be installed. It was decided that installation of iron padlocked gates on the streets was not feasible since road barriers were already serving the same purpose. Digging of trenches around the complex was declined. Number of CCTVs in working condition was increased from 2 to 6; ten drop gates were installed. Three laned iron barricading for *darshnarthi* was installed. The minutes of the meeting²¹² were sent to the officers. It was

²¹² CW 8/10

considered that adequate security arrangements were made keeping in view the experience of 1990²¹³.

41.9. On the 2nd of November, the VHP, RSS, BJP along with the participation of Ashok Singhal, VH Dalmia, LK Advani, Murli Manohar Joshi, Kalyan Singh, KS Sudershan, Badri Prasad Toshniwal, Sunder Singh Bhandari, Lalji Tandon, Rajinder Gupta, Khusabhai Thackeray, considered various options in the eventuality of High court stay order not being vacated. There is no documentation of what transpired or was decided in the meeting.

41.10. It was considered that it would be preferable to give up the government rather than to give up the construction of the temple; that Kalyan Singh should continue to press for a speedy disposal of the court cases. It was also debated how the Congress could be reduced to merely a reacting agent so that the *Sangh* could seize the political initiative. Other organizations were urged to participate in the karseva. This was published in the Telegraph newspaper dated 3rd of November²¹⁴. KS Sudershan²¹⁵ corroborated these facts as reported and affirmed them. Clearly now, the campaign was in the hands of VHP, RSS and BJP.

41.11. Some of the Sadhus like Vishvesh Tirath of Udipi Math, Vamdev, Paramhans Ramchander Dass and Mahant Nritya Gopal Dass as members of

²¹³ Refer to the statements of A.K. Saran (CW8), Akhilesh Mehrotra (CW11), SNP Sinha (CW12), and K Sudershan (CW18).

²¹⁴ CW 18/12

²¹⁵ CW18

VHP apex body and as Sants met the Prime Minister as forerunners or leader of the movement.

41.12. On 3rd November 1992 AK Saran formed the opinion that approximately 1,50,000 karsevaks would be coming to Ayodhya on the 6th of December and therefore wrote to DIG Faizabad asking him to make arrangements for security, crowd management and traffic arrangement.

41.13. The decisions taken in the review meeting held by the Chief Secretary were approved by Chief Minister. Putting up DFMD at gates of security wall were approved. Separate entry for construction material for Sheshavtar temple was approved and provided. Money was sanctioned for raising the height of security wall, construction of 5 watch towers, providing generator, dragon lights, and channel gates. It was decided to strengthen barricades, deploy PAC in the inner cordon and that the expenditure would be borne by the Home department. 5 Magistrates were to be added as area Magistrates for Faizabad²¹⁶.

41.14. Chief Secretary issued instruction for implementation of the decisions taken and simultaneously sought information from DIG Bajpai of Faizabad about the identification of Bhawan from where danger was perceived to the disputed structure and where forces were required to be deployed.

41.15. For the purpose of mobilizing karsevaks, the entire country was notionally divided into parts and the numbers of *Karsevaks* required from each part were specified. It was arranged that at any given time, 25,000 *Karsevaks* would stay

²¹⁶ *Approved vide CW 12/4*

in Ayodhya for a maximum of 48 hours and go back. They were asked to come with saffron flags and musical instruments etc²¹⁷. The VHP made arrangements for the stay of 25,000 to 30,000 *Karsevaks* and this was affirmed by Ashok Singhal on 4th of November in his press statement. He further confirmed that *Karsevaks* would be called from each state for two days in groups. In case required, all would be called simultaneously and warned that in case the government was dismissed, there would be dire consequences. K.Sudershan claimed that the preparations for *Karseva* had began at a massive scale and continued throughout after the announcement for resumption of *Karseva* on the 6th of December²¹⁸.

41.16. K.Sudershan confirmed that ultimately because of the large number of *Karsevaks*, they were lodged in various *ashrams* or buildings etc. and even by the roadside.

41.17. The Supreme Court declined to appoint the Central Government as the receiver in view of the undertaking that the *Karseva* would be carried in accordance with the court's orders; and the State Government's agreement to stop any construction activity²¹⁹.

41.18. The Allahabad High Court, concluded hearing the challenges to the acquisition on 4th of November, and reserved judgment. The judgment was slated to be pronounced on the 29th of November but was later postponed to

²¹⁷ Refer to the statements of Peeyush Srivastava (CGW10)

²¹⁸ Refer to the statements of Vinay Katiyar, K.Sudershan (CW18) and NC Pandhi (CGW32)

²¹⁹ Refer to CW 16/21 and White Paper CW 16/21

the 5th of December and to the 11th of December. It was finally pronounced on the 12th of December 1992.

41.19. The media reported that on the 6th November 1992 that stopping of *Karseva* was not possible.

41.20. The RSS had made it clear that it considered that a mere symbolic *Karseva* would be a setback to the campaign. There were rumours about the Central Government's contingency plans for imposition of President's Rule. In the background of the rumours of the possible imposition of President's rule, an *Ekta Rally* was taken out on the 9th of November 1992.

41.21. Meanwhile on the 1st of November, the Prime Minister had assured the AIBMAC that the government would not allow karseva and that the law would take its own course.

41.22. The Chairman of the Babri Masjid Action Committee with leaders like Maulana Muzaffer Hussein Kachachauri, Vice President Mustaq Ahmed Siddiqi, Advocate Zafaryab Jilani, all India Convenor and the members of the state Committee, Ms Aftaz Ahmad Siddiqi, Muhammad Muqueemud Din, Mohammad Nasir, Zakir Ali and SV Hashmi urged the people to reach Faizabad on 9th November 1992 and reiterated that the government ought not to allow the laying of foundation stone of a Mandir in any plot²²⁰.

²²⁰ Corroborated by Abdullah Nasir

- 41.23. The discussions between the VHP and the Muslim groups were inconclusive and ended in a stalemate on the 8th of November. Swami Chinmayanand refused to meet the Prime Minister.
- 41.24. The plan for *Karseva* was drawn up in a meeting held on the 11th of November. It was decided that meetings should be held at various levels i.e. district, sub-division, town, block and larger villages for clearing any confusion about the karseva.
- 41.25. The All India Babri Masjid Action Committee pulled out itself of talks on the ground that since the next date for *Karseva* had already been fixed and declared, therefore, the negotiations would be meaningless, unless the call for karseva was recalled, which the VHP was not willing to do. Thus there was no point in continuing the negotiations. The Muslims announced that morning processions would be taken out from the 29th of November till the 5th of December²²¹.
- 41.26. Raju Bhayia requested the Prime Minister to get the judgment expedited as it was fixed for pronouncement on 11th November 1992.
- 41.27. LK Advani met the Prime Minister on the 12th of November and asked him to finally resolve the issue with Muslim leaders by getting them to agree to the compromise proposal that the BJP, RSS and VHP had already made; to build a mosque after the relocation of the structure²²².

²²¹ Refer to the statements of AK Saran (CW8) and Kumaramangalam (CW3)

²²² Refer to the statement of LK Advani CW23

41.28. The Shiv Sena (Tangri) group lead by Kikar Singh, President of UP Group and Ashok Dawra National President held a meeting of about 100 *Karsevaks* on 15th of November at Lucknow where they criticized the BJP and the police. It was decided by them that 500 *Karsevaks* of Shiv Sena would be called from each division and in case the VHP did not commence Karseva on 6th December then the Shiv Sena (Tangri Group) would go ahead on its own²²³.

41.29. The BJP and RSS suspended all other programmes with effect from 15th November in order to clear the decks for the 6th of December. The old and infirm cadres were requested not to join the karseva²²⁴

41.30. In the meeting held by the IG zone on the 16th of November, a demand for security arrangements was made, keeping in view the *Karseva* and the agitation²²⁵. It was requested that the IB and CRPF be associated with the review²²⁶.

41.31. Keeping in view the fast paced events, a request was made to the State Government to make use of the central forces. However, the VHP, BJP and other members of the Sangh Parivar and the leadership of the temple construction campaign was apprehensive of Central Government's intervention. The State Government thus declined the request of the Central Government for deploying para military forces. Chief Minister Kalyan Singh

²²³ *Note of the Government reporting the fact is recorded in File No. 23.1R-1074-92-CX-2*

²²⁴ *Corroborated by N.C. Pandhi (CGW32), Peeyush Srivastava (CGW10) and Akhilesh Mehrotra (CW11).*

²²⁵ *Refer to the statement of Akhilesh Mehrotra (CW11)*

²²⁶ *Vide CGW 31/21A*

protested against the stationing of para military forces near Ayodhya, being in violation of the federal structure provided by the Constitution of India.

41.32. A veiled threat of serious consequences was held out by government and Chief Minister Kalyan Singh in case of any intervention by the Central Government in the programme scheduled from the 17th till the 28th of November²²⁷.

41.33. The Urban Development Minister Brahm Dutt Dewedi and Finance Minister Lalji Tandon were deputed to decide the issue of double barricading to the north and east of the Sheshavtar temple along which the police was to be deployed. This was to ensure that no person coming from the gate would be able to reach the acquired land without checking. They were to discuss the situation with the DGP and finalise buffer zones between the disputed structure and *Karsevaks*. This was never done.

41.34. The Home Secretary of UP was in charge of the subject of communal harmony. In the process of preventing all rumours about Ayodhya, he directed the identification of the sensitive places; taking note of small incidents and to take remedial measures. He directed that processions should not be allowed without proper police arrangements; magistrates and police officers should be assigned to such areas. He noticed the need for the intelligence machinery to be geared up and for a close watch to be kept on communal and anti-social elements²²⁸.

²²⁷ *Refer to CW 32/4 and CW 31/21A*

²²⁸ *The directions are noted in file 16.200/52/D/92*

- 41.35. Chief Minister on the 17th / 18th of November addressed a letter²²⁹ to the Home Minister of India asserting that maintenance of law, order was the responsibility of State Government, and that there was no need to review the security²³⁰.
- 41.36. The VHP leadership was wary of the Central Government's possible intervention, which had given a veiled threat of the imposition of President Rule. It organised a *Jan Jagran* programme from the 17th to the 28th of November. LK Advani, during his meeting with the Home Minister, reiterated his resolve to go ahead with the *Jan Jagran* and other programmes.
- 41.37. With the concurrence of the Central Government, the Chief Minister, through Naresh Chandra, Secretary of Ayodhya cell, appealed to the High Court to deliver the operative part of the judgment on the 18th of November.
- 41.38. In his meeting with the Prime Minister on the 18th of November, LK Advani insisted on the continuance of the *Charan Paduka* programme. He asserted that a reference to Supreme Court could be made under article 143 of the Constitution as that article envisages a reference on a single point. It would facilitate the construction of temple. The Home Minister insisted on a reference under Article 138(2) under which the consent of the State is required in view of the variance of views of the State Government and that of the Union of India with respect to the disputed structure.

²²⁹ CGW 32/4 and CW 31/21A

²³⁰ Refer to CGW 32/4 and CW 31/21A

- 41.39. Kalyan Singh pointed out in the Vidhan Sabha that the VHP and BJP were agreeable to a single point reference to the Supreme Court. A showdown between the protagonists of the construction campaign and its opponents was perceived.
- 41.40. Vinay Katiyar disclosed the modalities of *Karseva* to CK Misra, a journalist, on the 20th of November. He expressed his apprehension about the Government being dismissed and stated that they are prepared for the same. In view of this apprehension, a change in the strategy of *Karseva* had been made. Now, the *Karsevaks* would not come from their respective districts on the dates already fixed, in small batches. They would enter Ayodhya silently between the 30th and the 5th of December and would spread out over an area of 25 kilometres around Ayodhya, which had been divided into 12 divisions. Each division would have five to six sectors. The sector in charge would be responsible for bringing the *Karsevaks* in groups of 10, accompanied by one Bajrang Dal *Karsevak*. The name of the sacrificial Bajrang Dal *Karsevak* and sector incharge would not be disclosed to media. The decision with respect to the names of the sector incharge, as well as sacrificial *Karsevak* would be decided on the 21st of November in the meeting at Rani Bazaar. Sants would come along with their Jathas after making declarations.
- 41.41. In the absence of the Prime Minister, to take stock of the situation Cabinet Committee meeting of Arjun Singh, Sharat Pawar and SB Chavan took place on 20th and 26th of November 1992. By now, the number of *Karsevaks* likely to come to Ayodhya was estimated to be 4 to 5 lakhs.

41.42. On the 20th of November, the Supreme Court in its order observed, *“Venugopal submitted that the State Government is second to none in its anxiety to ensure the enforcement of the orders of this Court. He stated that as there are ongoing parleys amongst the various groups for settlement, any contemplation of immediate coercive action on the part of Government might be counter-productive. The State Government would be able to spell out its programme of action to ensure obedience by about the end of this month when it will be able to know or reasonably anticipate the possible outcome of the parleys. We think it is also necessary for the Union Government to indicate its stand in the matter so that we may have its assistance in making such orders as would ensure enforcement of the earlier orders of this Court. We, therefore, direct Attorney General / Solicitor General to be present in court at 2 PM on Monday 23rd of November 1992”*.

41.43. It was left open to Central Government to make its own assessment of the matter and to take appropriate action.

41.44. The Central Government expressed its willingness on the 20th of November to provide whatever assistance was required by the State Government for compliance of any order that the court might pass.

41.45. The Home Ministry, through its letter dated the 21st of November brought to the notice of the state the violent reaction and damage to the disputed structure in July 1991. The Home Minister further expressed his apprehension about generation of religious frenzy at the proposed karseva and again held out a veiled threat of imposition of President's Rule²³¹.

²³¹ The facts were officially noticed in File No 16.200/52/D/92.

- 41.46. It was reported in media that the IB had, in its dispatches dated 22nd of November, stated that the Sangh intended to demolish the structure. It was also stated that the dismissal of the Kalyan Singh Government after 22nd / 24th of November, would mean having to manage an unmanageable number of *Karsevaks* which would entail arrangements at a massive scale.
- 41.47. A meeting of the NIC was held on 23rd of November, specifically on the Ayodhya issue, which was boycotted by VHP and BJP. The NIC authorized Prime Minister PV Narasimha Rao to deal with the situation as it evolved, even without the BJP or Shiv Sena being participating in it. It gave a free hand to Narasimha Rao to take any step considered essential to uphold the Constitution and to prevent violation of the Court's orders. The Government was desired to take appropriate action and to stop the *Karseva*.
- 41.48. Moreshwar Save said that in the National Integration Council there was no substantive remedial proposal evolved to decide the issue. He stated that Hindu Sangathans were criticised without any basis. Shiv Sena and he had decided to boycott the meeting as there was no possible measure which could solve the problem. The meeting's agenda about the communal tension was only to defame Hindu Sangathan²³².
- 41.49. The Supreme Court invited an assurance from the VHP leaders and the State Government to the effect that no construction of either permanent or temporary nature would take place.
- 41.50. On the 25th of November 1992, the Supreme ordered that

²³² A letter CGW 20/23 was addressed on the same lines

“8. We do notice from the submissions of Shri Venugopal that the situation is not without its emotive surcharges; but is at these trying times the capacity for statesmanship of these who bear the burden of Government – of good government – is put to test. They should display statesmanship and deal with matters in such a way that would not result in the destruction of constitutional institutions and in the upsetting of social equilibrium. However, we make it clear to Shri Venugopal that if the State Government is not in a position to come forward with a convincing stand that will re-assure the Court that no violation of its Orders will be permitted, we might have to consider the prayers in I.A. No. 5 for the appointment of a Receiver or directions to the Central Government to ensure obedience to the Court orders. We do hope that the State of Uttar Pradesh will not compel the Court to take that course leaving it no other option.

9. In view of the serious situation pointed out by the learned Attorney General, it may not be proper to adjourn the matter for seven days as sought by the State of Uttar Pradesh. We, however, think it reasonable to adjourn the matter till Friday 2.00 P.M. on the assurance of Shri Venugopal that the honesty of purpose on the part of the State Government to pursue the negotiations with the religious groups carries with it an implicit assurance that, in the meanwhile, the ground realities would not be altered to the detriment of the Court orders. Shri Venugopal said the State Government would seek to persuade the religious groups to defer 'Karseva' till after the pronouncement of the High Court or at least for a reasonable time in future. If any constructive response is forthcoming from the State Government, we might, in order to strengthen the hands of the State Government in its handling of the

religion groups, consider making appropriate request to the High Court in the matter of need for most expeditious decision of the matter."

41.51. On the 28th of November, the UP Government undertook to comply with the court's order dated 25th of November, to the effect that no construction of permanent or temporary nature would take place, though to assuage the religious feelings of Ram Bhakts, construction at some other place would take place. No construction machinery, material shall be moved in or around the acquired land. This was stated in an affidavit filed by the State Government. The undertaking in verbatim is, *"[that] the State Government assures the Court that no construction materials or machinery would be on the acquired land and no construction activity will take place and carried out. High Court interim orders are in force in the writ petition pending before it relating to the land acquisition case."*²³³

41.52. The Supreme Court hearing an application praying for an injunction against the proposed Karseva while declining a specific injunction made it clear that no physical construction at the spot was to be allowed. On 1.12.1992, ordering that due publicity should be given about the undertaking, the Supreme Court declined to prevent the symbolic *Karseva*. It however directed that the disposal of the other cases be expedited²³⁴.

41.53. The High Court's interim orders restraining any construction in the 2.77 acres of acquired land, were in force in the acquisition writ petitions. Due

²³³ Corroborated by VK Sexena, Chief Secretary

²³⁴ Refer to CW 13/8

publicity, as desired by the Supreme Court was given by Doordarshan and All India Radio with respect to symbolic *Karseva*. It appointed the observer so that no construction work was carried out. Simultaneously, H.V. Sheshadri, Rajinder Singh, KS Sudarshan forerunners of RSS described the permission only for symbolic *Karseva* as a setback to the movement.

41.54. The Supreme Court's observer proceeded on the presumption that his mandate was only to report on the construction activities, though from the pleadings that were before the court in which eventually the order appointing the observer was passed, and from the order itself, it becomes abundantly clear that the observer was to act as the Supreme Court's eyes and ears on the ground and to update it with any and all developments which might have had any bearing on the developing situation. By construing the wide ambit of the Supreme Court's order in a very artificial and narrow perspective, the observer kept the Court in the dark and prevented the Court from having access to the material and happenings which might have enabled it to take a more proactive stance and to pass appropriate orders.

41.55. Chief Minister assured the then Home Minister of India that the security arrangements would be foolproof. He expressed the hope for a settlement within the following ten days. It emerges from the evidence and testimony that the security arrangements were being made only in pretence.

41.56. The offer of the Chief Minister to the Home Minister that if the Centre allowed the *Karseva*, the BJP Government would in turn, ensure the safety and security of the structure, by itself speaks about the intentions of the state.

- 41.57. These facts and declarations were published in media. These observations or facts were not refuted even when the then Chief Minister appeared before the Commission. Only in the official records, the security was being reviewed from time to time.
- 41.58. VHP leaders Chinmayanand and Vijay Raje Scindia filed affidavits in the Supreme Court undertaking that neither any construction would be done nor any construction material would be carried in the Ram Janam Bhoomi Babri Masjid complex. They accepted that the *Karseva* would only be symbolic and only for assuaging the feelings of the *Karsevaks*²³⁵.
- 41.59. Vinay Katiyar claimed that in conversation with Narasimha Rao, and on being asked how the karseva could continue without violating Supreme Court's order, replied that it could be carried out on the undisputed land²³⁶. This was in contradiction to the Supreme Court's order of the 28th of November.
- 41.60. The UP Government had informed the Central Government that development and construction plans for the acquired area had not yet been finalised. Even without any construction plans it had commenced the demolition, digging and levelling.
- 41.61. The Chief Minister accused the Central Government in his letter dated the 26th of November that by sending and stationing the Central Forces, it had

²³⁵ Corroborated by Akhilesh Mehrotra (CW11)

²³⁶ This claim was neither corroborated nor put to Narasimha Rao

given up the course of amicable solution for a confrontation²³⁷. He pointed out that as per the intimation sent to the State Government, the paramilitary forces had not been put under the State Government's control, and it further appeared that they had been deployed and not merely stationed. References were made to the claim of the officers of the paramilitary forces to the press that they would not work under the state forces, and they would work independently²³⁸. Withdrawal of central forces was therefore requested.

41.62. Purshotam Narain Singh, Secretary of state Unit of VHP stated, “[that] VHP has begun rescheduling district level meetings of Karsevaks and karseva can be prior to 6th December 1992.”²³⁹

41.63. Sometime later on around 24th of November, the VHP implemented its contingency plan and calling all *Karsevaks*, issued new instructions²⁴⁰. Similar apprehensions were pointed out on the 30th of October and the 2nd of November when the review of security was undertaken.

41.64. In view of the threat perception the Central Government had, by the 24th of November stationed 195 companies of paramilitary forces around Ayodhya

²³⁷ Refer to DW13/20.

²³⁸ Refer to DW-12/5, DW-13/20, and DW-13/22. Refer also to the statements of Madhav God bole (DW13), Peeyush Srivastava (CGW10), N.C. Pandhi (CGW32), Ramchander Paramhans Dass (CW11), Shaker Aggarwal (DW7), Mulayam Singh (CW12), and VK Sexena (CW13) Chief Secretary who corroborated these facts. The facts are also found in the affidavit of Kalyan Singh filed in Supreme Court DW 13/20.

²³⁹ Reported in the Times of India newspaper dated 25th of November 1992. This was within the knowledge of the State Government, as is apparent from a note appended to the file No. 15.200/51/D/92.

²⁴⁰ Corroborated by Peeyush Srivastava, NC Pandhi (CGW32)

anticipating possible deployment by the State Government for the security of the disputed structure. The Additional DGP Law and Order inspected the disputed structure and the State Government was accordingly informed. A fax message²⁴¹ was sent to the UP Government informing it that these forces were being stationed at suitable places in UP with an object to make them available at short notice as and when required by the State Government for deployment. The force stationed had been clearly instructed to be available to the state without seeking any further orders. The central forces had started moving to Faizabad on the 19th of November.

- 41.65. The Chief Minister on the 25th of November objected and protested against the stationing of forces at Ayodhya. Objections and excuses were that there was a possibility of a conflict arising out of dual control. This movement of the paramilitary forces was said to be violative of constitutional federal structure as it had been done without the concurrence of the State Government. The Chief Minister demanded the withdrawal of the paramilitary forces. In a published statement, Kalyan Singh stated that, "*The Centre is out to create civil war like situation in the State by sending Central Forces without our consent. Do they want clash between the Central and State forces?*" He again reiterated the protest on the 25th of November which finds mention in the affidavit²⁴² of Chief Minister filed before Supreme Court in the contempt proceedings. Objections were made with the hidden object or purpose as emerged from the post-facto events, i.e. the state intended to keep

²⁴¹ CW 13/15 and CW 4/2

²⁴² DW 13/20

its plans secret and not to allow non-State Government controlled agencies to be privy to them.

41.66. The leadership also made irresponsible allegations against the conduct of the forces and protest letters were also sent to the Central Government²⁴³. These allegations were later found to be false.

41.67. Admittedly, Champat Rai was the local manager for the construction of Ram temple. He issued a statement on the 24th of November in a Conference at the *Bhagwada Charya Samark* in Ayodhya that it had been decided to adopt guerrilla strategy for the 6th of December. His own words, “*Guerrilla Shaily Apnayenga Karseva mien*” were published by the media on the 25th of November²⁴⁴. There is no reason to disbelieve this part of the statement specifically when no cross-examination was directed towards these facts.

41.68. Intelligence agencies reported that the Bajrang Dal and Shiv Sena were vying with each other for the “fame” of blowing up the disputed structure and this fact was within the knowledge of VHP. The Shiv Sainiks and VHP cadres were practicing archery under the tutelage of Krishna Kumar Pandey. The Shiv Sena cadres swore an oath at Saryu River to demolish the disputed structure in the presence of local leaders and Vinay Katiyar etc.

²⁴³ See CW 16/26 & CW 16/27. Prabhat Kumar Principal Home Secretary (CW16), VK Sexena Chief Secretary (CW13) corroborated the facts. The facts are further found in the affidavit of Kalyan Singh filed in Supreme Court DW 13/20. These facts are also corroborated from the official noting in the record.

²⁴⁴ The fact was corroborated by Suman Gupta (CGW9) and CK Mishra (CGW49)

- 41.69. It was observed that the morale of *Karsevaks* was low and there was a general sentiment expressed that they had not come there to eat and sleep but had come to construct the temple; they were becoming undisciplined.
- 41.70. It was felt that the VHP had lost possession of the site in dispute because of the acquisition. A number of leaders criticized the UP Government's decision to acquire the land and it was asserted that the UP Government had complicated the matter since the acquisition had been challenged in the courts²⁴⁵.
- 41.71. The changed program for the *Karseva* also resulted in the overflowing number of *Karsevaks* who had therefore to be lodged in the *Ashrams*.
- 41.72. The Prime Minister who perceived the *Karseva* to be illegal made it known that Central Government would implement the courts' orders.
- 41.73. Kalyan Singh called an emergency meeting²⁴⁶ of Ministers and directed them to mobilize *Karsevaks* in UP, at least 10 people from each Gram Panchayats of which were 75,000. Thus, almost 750,000 *Karsevaks* were to be mobilized from UP state itself. The same demand was made of the BJP MLAs in the UP Government. The chief Minister denied this news report. However, the mobilisation of *Karsevaks* by the BJP MLAs for the construction of temple cannot be denied. The enthusiasm of the Chief Minister, his entire conduct in the campaign, the election manifesto, his conduct during and after the elections, coupled with the fact that he gave specific orders not to use force

²⁴⁵ See reports CW 12/24, CW 12/25, and CW 12/26

²⁴⁶ Reported in the Times of India newspaper dated 26.11.92

against the *Karsevaks* cannot be lost sight of. In the totality of the evidence on the record and the circumstances, the act of the state to attempt to conceal its real objectives, the news report cannot be said to be false even if it may be an exaggerated version.

41.74. The *Karsevaks* from UP had started converging on Ayodhya and spread around it in a clandestine manner, even though the Prime Minister had been given time up till the 26th of November. *Karsevaks* from Andhra Pradesh, Tamil Nadu, Kerala, Karnataka, Orissa, Maharashtra and Gujarat also started arriving in Ayodhya with a constant flow from the 27th November onwards. The influx of the *karsevaks* was despite all publicity which had been done on the orders of the Supreme Court.

41.75. Activists of Shiv Sena led by Satish Pradhan MP, Anil Kalia District Chief, Pawan Pandey MLA, Vijay Raj District Chief, Mahkoo Singh, District Secretary, Arvind Kumar District Chief *Student Army* and Shiv Tripathi Chief of *Student Army* met at Faizabad on the 28th of November. The decision to commence actual *karseva* by demolishing mosque and undertaking construction of temple rather than symbolic *karseva* was taken. Pawan Kumar Pandey was directed to provide shelter and food to the *karsevaks* in different places²⁴⁷. They proclaimed that the RSS, VHP and Bajrang Dal were connected with the BJP which itself come out from the

²⁴⁷ See CW 9/13

Congress and they all wished to establish a secular state. Only the Shiv Sena wanted to establish a *Hindu Rashtra*²⁴⁸.

41.76. The meeting was reported by intelligence agencies to the higher bureaucracy as well as the political executive, and was even referred to in the report dated 1st of December 1992²⁴⁹. The government did not even pay lip service, much less respond to this threat upon the revelation of this open secret.

41.77. SP Gaur Commissioner Faizabad accepted that security arrangements were constrained by the State Government's direction that coercive force must not be used at the disputed structure or the Ram Janambhoomi -Babri Masjid Complex. The State Government was pretentiously of the view on record, that the use of force would be counterproductive. Even the Commissioner Faizabad assumed that no untoward or undesirable incident was likely to happen. Thus, the entire security edifice had been paralysed by the explicit order not to use force. He laid emphasis that they were concerned more about the safety and security of public attending the area. SP Gaur also admitted that it was communicated, "*since there is no hindrance for reaching the acquired land and disputed structure, presence of antisocial elements cannot be ruled out or denied. In case of Karsevaks getting excited for any reason it would not be possible to protect the disputed structure.*"²⁵⁰

²⁴⁸ Corroborated by SP Gaur

²⁴⁹ CW 16/21

²⁵⁰ Refer to CW9/12. This was also recorded in the official note in file number 23.1R-1074-92-CX-2.

- 41.78. Home Minister SB Chavan requested the UP Chief Minister for a comprehensive review of security through a letter²⁵¹. Parkash Singh²⁵² disclosed that the Home Minister also directed the putting up of concertina rolls, at various points to be indicated by the CRPF.
- 41.79. The Additional DGP requested instructions in view of developing situation. He informed the State Government that given the failure of the negotiations and VHP's determination to resume karseva with effect from the 6th of December, there was a likelihood of the situation being vitiated further. It was getting increasingly difficult to predict the turn of events and it was apprehended that they might take an ugly turn. This information and request was faxed to the government and noticed by it but still no substantive action was taken²⁵³.
- 41.80. It was decided to hold a *Lalkar Diwas* and for the purpose, committees were constituted. It was to commence on the 29th of November and continue up till the 5th of December. On the other hand, the DGP circulated a letter to all police officers of the state advising them to take necessary measures in view of the upcoming festival and to keep tabs on the communal situation and on anti-social elements in the State.
- 41.81. Ashok Singhal etc challenged the undertaking of the UP government and Kalyan Singh to the Supreme Court and the National Integration Council, and rhetorically asked, "*Who is Kalyan Singh?*". The other leaders of the

²⁵¹ CGW 32/5

²⁵² CW14

²⁵³ See note in file no. 16.200/52/D/92.

movement also ridiculed and objected to the undertakings given by the state, its administration and by Vije Raje Scindia and Swami Chinmayanand as the VHP's representatives, to the Supreme Court.

41.82. The Chief Minister and government officials asserted that there were adequate security arrangements²⁵⁴

41.83. The Governor of UP sent his assessment about Ayodhya, that the prevailing situation was pregnant with threat to the disputed structure. He however advised against the imposition of President's Rule²⁵⁵.

41.84. Godbole asserted that the Law Secretary PC Rao had opined that it would be incorrect to impose President's Rule in view of the fact the Hon'ble Supreme Court was seized of the matter.

41.85. It was obvious and categorically admitted that no effort to restrict, check or regulate the number of *Karsevaks* in Ayodhya or Faizabad was made. Arrangements for hospital, ambulance, barricades to regulate the crowd to avoid stampede was made only for about 1 to 2 lakh people with and only after 28th of November. The *Karsevaks* were using the graveyards to defecate. Akhilesh Mehrotra stated that the movement of *Karsevaks* after the 28th of November was only by foot as no vehicle was able to come out. It is also not disputed that *Karsevaks* and other antisocial elements damaged six *Mazars* and graves near Ram Katha Kunj on the 1st of December. Stones were pelted at the house of Mohd Shamim.

²⁵⁴ Refer to CGW 30/6

²⁵⁵ Refer to CGW 32/6, CGW13/8

- 41.86. *Karsevaks* entered into the old mosque and stoned the scooter borne peace rally organised by the Congress²⁵⁶. *Mazar* of Maqi Shah, Babri Mazar and another *Mazar* at Ram Katha Kunj were damaged and graves levelled. I find that these facts are conclusively established.
- 41.87. Admittedly, vehicles used to reach up to parking spot in Ayodhya up till the 6th of December. It was also admitted there were parking places across Saryu, at Katra, on the other side of Saket Degree College and even at Durahi Kuan for the 6th of December.
- 41.88. Narasimha Rao stated that he had to work with the State Government as he had no *locus standi* otherwise to take direct action.
- 41.89. Peeyush Srivastava stated that a meeting of officers, Commandants, Deputy Commandants, Assistant Commandants etc. was held by the UP DGP at Ayodhya on the 30th of November. However, he declined to state what transpired at the meeting claiming that he had no memory of it²⁵⁷. He however accepted construction material and machinery was very much there even on the 30th of November.
- 41.90. KS Sudarshan reached Ayodhya on the 30th of November. He denied all knowledge about the damages to graves, *Mazars* etc. although this fact was apparently known to one and all. This cannot however be believed as he was one of the key figures looking after the *Karseva* for 6th December 1992 at Ayodhya. All the leaders were meeting daily, as stated by Uma Bharti. The

²⁵⁶ Reported by the IB. vide CW 9/12, CW-13/8, and CGW 38/25

²⁵⁷ DW 13/21; corroborated by VK Saxena

programmes used to be announced every day at Ram Katha Kunj. He was the main and top leader in the RSS hierarchy present there. Ashok Singhal, Vinay Katiyar etc have also admitted that they were RSS Pracharaks at one point of time. Apart from that, it was not disputed that all used to seek advice from time to time from RSS. It is clearly discernable from the statements and on consideration of the evidence that RSS and its leaders were actively and passively conniving at the damages caused to *Mazars* and mosques, graves and the defiling of graves.

41.91. The fact of the damage to Mazars and mosques, graves and defiling of graves was not disputed. Even the administration sent a report and an FIR was duly registered. DSP CID BD Rajput stated that on 2nd of December 30 to 35 *Karsevaks* removed the door of a mosque in *Mugal Pura* known as *Khetwali Mosque* and the Mosque of *Maniparvat* was damaged²⁵⁸. He further stated that the house of Mohammad Hassim was attacked and house of Syed Akhlaque Ahmed near Babri Masjid was surrounded and attacked by *Karsevaks*.

41.92. The Home Secretary directed the central forces in Ayodhya to be ready and at red alert.

41.93. DGP visited Ayodhya and issued fresh instructions on 30th of November. There was an apprehension of trouble because of the large crowds in the vicinity of the disputed structure; which apprehensions were voiced.

²⁵⁸ Note recorded in File No 16.200.52/D/92.

- 41.94. The Central Government brought to the notice of the State Government, the inadequacy of security arrangements.
- 41.95. The *Karsevaks* were threatening to start the *Karseva* from the Garb Greh and to demolish the disputed structure. The threats and acts of *Karsevaks* were indicative of their mood and of intention to demolish the disputed structure. This apprehension of demolition of the disputed structure was corroborated by the reports of damage to other Muslim properties²⁵⁹.
- 41.96. The resentment against a mere symbolic *Karseva* was apparent and reported to the State Government²⁶⁰.
- 41.97. The sifting of the evidence and statements leads to a conclusion that the State Government was conscious of the potential disastrous consequences of the call given for *karseva*. It was the state's duty to ensure the implementation of the court's order and prevent the demolition of the structure. The State had conceded on the record that it was duty bound to provide adequate security to prevent the demolition of the disputed structure.
- 41.98. In Cabinet Committee, meeting it was noticed that Chief Minister Kalyan Singh refused to refer the dispute to the Supreme Court under article 138(2) of constitution of India with larger scope. He was willing to make a single point reference, for advice only under Article 143 of Constitution of India.

²⁵⁹ Refer to CW 12/7, CW 13/8

²⁶⁰ vide CW 16/22

42. December 1992

- 42.1. The leadership of the movement found accommodation at Ayodhya insufficient in view of the large number of karsevaks reaching there and therefore LK Advani asked the people not to proceed to Ayodhya. They were instead advised to break their journey and stay where they were for the time being.
- 42.2. The Chief Secretary expressed his apprehension about the security arrangements and feared damage to the disputed structure because of the large gathering in and around the disputed structure as well as the Ram Janam Bhoomi Complex in Ayodhya town. He not only apprised the Chief Minister about it, but held a meeting with him on the 1st of December. Decisions taken were conveyed to officers on the 2nd of December²⁶¹.
- 42.3. IG Zone AK Saran however categorically denied, for reasons best known to him, the factum of this letter or the instructions issued to him rather even after seeing the letter and instructions.
- 42.4. SVM Tripathi, UP DGP in view of assurance given to Supreme Court, issued a DO letter requiring the following steps to be taken - *Karsevaks* be provided with identity cards and organizers should help in identifying them by their presence at entry gates, DFMDs to be installed, checking to be carried out where needed and finally, the *Karsevaks* be permitted to proceed

²⁶¹ Refer to CW 13/22

in small batches of 1,000 to 2,000 to the places of karseva. The administration was advised to be in constant touch with organizers, by the political executive.

- 42.5. Even after the damage to the *Mazars* on the 1st of December, the administration did not become cautious and it appears that the administration consciously took no steps to contain the crowd or their aggressiveness.
- 42.6. The Commissioner held a meeting of the DIG, District Magistrate and SSP Faizabad for security and implementation of Hon'ble Supreme Court Orders. No recorded proceedings were produced by him.
- 42.7. The Commissioner Faizabad showed ignorance about the admitted fact of demolition of *Mazars* and the police's failure to disperse the crowd on the 1st and 2nd of December.
- 42.8. Akhilesh Mehrotra claimed that during his tenure, he was the sole ASP while prior to him and after 1st of December there was one ASP (City) and another ASP (Rural). He was found to be a compulsive liar by me, as observed during the course of his statement and in this report as well. He has had the audacity to deny even admitted and undisputed facts like the BJP's participation in *Karseva* in 1990, the beating of journalists, and the riots etc. He was found by me to be willing to go to the extent of making up false stories to support the state administration. He has attributed the riots to firing from a Muslim's house, which case has not even been put forth by Vinay Katiyar,

Paramhans Ramchander Dass etc. He has denied the incident of looting which is an undisputed and admitted fact.

42.9. A numbers of meetings by various officers were held at various levels i.e. Commissioner, DGP, the Chief Minister etc. on the 1st of December to take stock of the security arrangements around the disputed structure. The proceedings were recorded but not produced before me.

42.10. The Additional DGP Intelligence and Security held a meeting with IG Lucknow Zone, DIG Lucknow and SSP Faizabad, Gonda, Bara Banki and Sultan Pur. Decisions were taken in presence of DIG Faizabad, District Magistrate, Faizabad and SSP Faizabad. Among other decisions, it was decided that the senior officers would remain in touch with the organisers of the *Karseva*.

42.11. In the course of a meeting and discussion with Chief Minister and the DGP on the 1st of December, a decision was taken that *Karsevaks* would be allowed to enter in small groups of 1,000 to 2,000 during the day time. They would be allowed to enter from one gate and exit from the other. Construction material to Shesh Avatar Mandir would be permitted to be taken in from one gate and the passage leading to the gate would be levelled. Barricading between the structure and the eastern security wall was to be extended so that there would be no gaps²⁶². The decision was intimated to the District Administration. Nothing has come on record that decisions taken were implemented. It appears decisions and actions remained therapeutic.

²⁶² See DW 13/20

42.12. There were some reports of undesirable elements mixing with the crowd, however no specific information sufficient for their identification was ever given²⁶³. The evidence and the statements of Akhilesh Mehrotra, DB Rai, AK Saran etc reveal that no serious attempt was made to verify these reports. There was no verification of the *Karsevaks* or identification of the undesirable elements.

42.13. Prabhat Kumar admitted that “*Karseva*” was commonly understood to refer to the construction of the temple at the disputed site. Shiv Sainiks and other *Karsevaks* were only too eager to perform this form of the *Karseva* especially since the Sadhus and Sants were expressing resentment against the idea of a mere symbolic karseva²⁶⁴. It was reported by him also during the meeting taken under the Chairmanship of DGP in which SPs of Faizabad, Basti, Gonda, Barabanki, Sultanpur, DIG Faizabad, Additional IG Intelligence, Additional DG Law and Order, IG Security, IG Lucknow Zone, DIG Lucknow Zone, SSP Lucknow participated²⁶⁵.

42.14. It was reported that there were no barricades towards the 2.77 acres of land on the 1st of December which made the structure easily accessible. The situation was assessed to be fluid. The SSP Faizabad to collect and send intelligence prior to 1st of December. In a meeting, the *Karsevaks*’ aggressive mood was also pointed out²⁶⁶.

²⁶³ *The fact was not disputed and admitted by AK Saran (CW8)*

²⁶⁴ *See CW 16/21 and CW 16/22*

²⁶⁵ *Minutes of the proceedings were recorded vide CW 12/56*

²⁶⁶ *Corroborated by SNP Sinha (CW12)*

- 42.15. The Home Minister of India expressed his apprehension about the inadequacy of security measures and the non-existence of any contingency plans on the 1st of December. He noticed the background and expressed the need for greater security²⁶⁷.
- 42.16. The District Magistrate informed the Government that between 6:00 hrs and 7:00 hrs on the 1st of December, about 35 unknown people in Ayodhya town damaged 3 graves situated in *Kuber Tilla* and on the corner of southern side road of the State Park. At a distance of 1 furlong from these places, one *Mazar* of *Kamlishah* and two *Mazars* of *Hazratshah Paharshah & Bazrat Makkishah Rahmtullah Alle* were damaged. Some people from the Muslim community and the representatives of Babri Masjid Action Committee met the DIG and SSP at 9:00 a.m. and again at 4:30 in the evening and consequently FIR No.193/92 under sections 147/148/149/504/506/295 IPC was registered at 1:40 p.m. Other than these incidents, he reported that the situation in Ayodhya and Faizabad was peaceful.
- 42.17. Principal Secretary, Home received a fax message²⁶⁸ dated the 2nd December from the Joint Secretary-Home intimating him about the damage to the *Mazars* etc. and the resultant communal tension in the area. Intimation was also received from the Joint Secretary-Home that Muslims were terrorized and leaving Ayodhya for safe places²⁶⁹. The Home Minister of India also sought information with respect to the said incident on 2nd December²⁷⁰.

²⁶⁷ Recorded in note in File No 16.200/52/D/92.

²⁶⁸ CW-13/17

²⁶⁹ CW13/19. See also CW13/20 which is 103 and 25/31. Corroborated by Dr. VK Sexena

- 42.18. Admittedly, the total strength of force available as on the 2nd of December consisted of 33 companies of PAC, 4 companies of CRPF, 5 SPs, 14 DSPs. 15 teargas squads and 700 constables.
- 42.19. LK Advani stated before the Commission that he was not informed about the plan made for karseva or about any rehearsal which might have been organized by the karseva organizers. Earlier in 1990, the organisers had however planned this, as is recorded in a office note. The Telegraph newspaper had reported in November that in a meeting of leaders of Sangh Parivar attended by K Sudershan, LK Advani, MM Joshi and Ashok Singhal etc. at RSS office on 2nd November 1992 logistics and other details had been worked out.
- 42.20. On the 2nd of December about 60,000 *Karsevaks* were present in Ayodhya. The district administration asked for more force to deal with these numbers, which was declined by the State Government.
- 42.21. The DGP, U.P. in a meeting with the Chief Minister on 2nd December 1992, expressed his apprehensions about the security of the disputed structure on account of the large crowd in the vicinity of the disputed structure²⁷¹.
- 42.22. Mulayam Singh, Subodh Kant Sahay and various other political leaders also expressed their apprehensions about the security of the disputed structure. They told the Prime Minister that the deployed force was not going to be able to prevent the *Karsevaks* from attacking the disputed structure. Even the

²⁷⁰ recorded in the office note in File No.16.200/52/D92

²⁷¹ See DW 13/22 and DW 12/5

leaders would not be able to control the huge congregation of *Karsevaks* on 6th December 1992 in view of the militant and aggressive posture of the *Karsevaks*²⁷². It was pointed out to the Prime Minister that he should not believe RSS's claims about their ability to control and discipline the crowds. It was reported that Sadhus and Sants openly expressed their resentment²⁷³. JS Bisht, the Commandant of the CRPF expressed concerns about the possibility of demolition of disputed structure through his letter dated the 2nd of December.

42.23. SVM Tripathi²⁷⁴, on the 2nd of December gave details of the deployed force and asked for additional force. The Commissioner repeated his request for 14 more companies of PAC²⁷⁵. Acharya Dharminder admitted that on 4th December 1992 that the food arrangement had been made for 50,000 people, while the actual numbers were close to 1,50,000.

42.24. Intelligence reports dated 2nd December 1992 show that pursuant to the Supreme Court's order dated 28th November 1992, observer Tej Shankar had reached Ayodhya.

42.25. As per the information available, *Karsevaks* reached Ayodhya from 59 districts of Uttar Pradesh. Copy of the intelligence reports were forwarded to DGP SVM Tripathi, Prabhat Kumar Chief Home Secretary, H.D. Rao ADGP (Law & Order) and A.K. Saran.

²⁷² Corroborated by S.C. Chaubey as well as Sharad Pawar.

²⁷³ See CW 16/22

²⁷⁴ CW15

²⁷⁵ See CW 15/2

- 42.26. A *Samiti Divas* was held at the *Digamber Akhara* in *Ayodhya*. Paying obeisance to the martyrs, Parmhans Ram Chander Das swore, "*We take an oath to take the revenge of the martyrs*" He also appealed to the people to participate in large numbers²⁷⁶.
- 42.27. LK Advani on the 3rd of December 1992, stated that rumours were being floated of his being opposed to the Indian Constitution. He responded by stating that, "*opposition to unconstitutional judgments is not opposition of the constitution – those who were opposing Vande Mataram are opposing the Ayodhya movement*"
- 42.28. The only forces deployed in Faizabad on the 3rd of December were 5 companies of PAC and 4 companies of CRPF with no force available to be deployed for rest of Faizabad district²⁷⁷. The Central Government's offer for deployment of bomb detection / disposal squad and sniffer dog squad was accepted as corroborated by SVM Tripathi.
- 42.29. Prabhat Kumar asked for 25 companies of paramilitary forces to be placed at the disposal of DGP for deployment in state in addition to force already deployed, for maintaining communal harmony. Letter of request was issued with the concurrence of the Chief Minister²⁷⁸.
- 42.30. The apprehension about demolition and the inadequacy of the deployed forces was too obvious and perceivable. The forces were numerically far

²⁷⁶ See office note, in File No. 23.1R-1074-92-CX-2.

²⁷⁷ See CW 9/2

²⁷⁸ See CW 16/9

inferior compared to the number of frenzied *Karsevaks* present for the construction of the temple. There were no intentions or desires to tighten the security or control and frisking. Police officers and magistrates were deployed at Ram Katha Kunj to watch the situation and maintain law and order and in no way to participate in providing the security.

42.31. Chief Minister declined to deploy or use the available paramilitary forces and continued with airing his hopes that the organizers would be content with the symbolic and peaceful *Karseva*. He continued to assert that the deployment was likely to create problems of dual control in Faizabad; he ignored the known fact that they were already deployed within the isolation cordon and there had been no problem about their control noticed or reported by any one²⁷⁹. A complaint was lodged in December 1992 about the forcible taking over the inspection bungalow by the central forces and their refusal to vacate and the misbehaviour of the central forces.

42.32. S.C.Chauby and IG Lucknow zone confirmed the communication, to the government about the militant posture of *Karsevaks* vis-à-vis the paramilitary forces on the 3rd of December.

²⁷⁹ Refer to Peeyush Srivastava CGW10, N.C. Pandhi CGW32, Akhilesh Mehrotra CW11, SPS Sinha CW12 and Shekhar Aggarwal DW7.

43. The fourth of December, 1992.

- 43.1. The Allahabad High Court had postponed the pronouncement of its judgment on 30th November to the 4th of December and later to the 11th of December 1992.
- 43.2. Under the leadership of Moreshwar Save, Pawan Kumar Gupta of Punjab, Jai Bhagwan Goel of Delhi, Vinod Vats of Haryana, Ram Khatri and Pawan Kumar Pandey MLA, Chief of Uttar Pradesh and other prominent leaders of Shiv Sena reached Ayodhya on 4th December 1992. They made it known through media that they would work for the construction of Mandir, despite the decision of Dharam Sansad and the undertaking given to the Supreme Court for symbolic *Karseva*.
- 43.3. The Central Government, vide its fax message dated 4th December 1992, emphasized the need for making adequate arrangements for access control, frisking etc. of those entering the Ram Janam Bhoomi-Babri Masjid structure. The State Government was asked to ensure appropriate back up and strengthening measures for the security of the disputed structure. The shortcomings pointed out were that there was no “overhanging” in the perimeter wall thus making scaling easy; there were gaps in the western wall near *Shesh Avatar Mandir* closed by a gate only; the northern wall had crevices easily used for scaling the wall; the opening at the Manas Trust Bhavan side near the Shilanyas site on the eastern wall needed secured closing. It was also noticed and pointed out that no technical back up for

proper operation of the electronics and metal detectors was available; there was an inadequate strike reserve of only one section of PAC; the number of people allowed to stay inside the complex was too large for the policemen within the complex to handle without use of strong force should they turn violent²⁸⁰.

- 43.4. Sadhus, Sants, *Kendriya Marg Darshak Mandal* at Ayodhya took the decision for symbolic *Karseva* on the 5th of December. Sakshiji Maharaj specifically stated that “In the last meeting [on the 5th of December] there were over one dozen office bearers of VHP and hundreds of Dharmacharyas. In this meeting, since the BJP was in power in the state of Uttar Pradesh, it was decided that symbolic karseva would be carried out and later if some decision comes, further steps would be taken.” *Karsevaks* continued to be mobilised and persuaded to reach Ayodhya to participate in the construction of the temple at the site of the disputed structure till the 6th of December 1992.
- 43.5. The common intention was that the Sadhu and Sant’s decision about the *Karseva* would be followed regardless of what the courts might decree. The VHP claimed itself to be the executors of the decision of Sadhu and Sants. No decision of conducting only a symbolic *Karseva* was conveyed by the Sadhu and Sant’s or their self proclaimed executors and the act of mobilizing and persuading the *Karsevaks* for construction of temple continued. The *Karsevaks* continued arriving in Ayodhya for the construction of temple at the disputed site and for no other reason.

²⁸⁰ See C.W. 13/16 as well as the statement of VK Sexena (CW13)

- 43.6. Assessments with respect to number of *Karsevaks* likely to congregate on the 6th of December 1992 at Ayodhya, the prominent leaders likely to participate, and their mode of travel to reach Ayodhya was sought by the Additional DGP²⁸¹.
- 43.7. The Additional DGP Law and Order, H.D.Rao A.K.Saran, IG Lucknow zone, and C.K.Malik IG Security were physically present in Ayodhya on the 4th of December for supervising the security arrangements. 2,00,000 *Karsevaks* had assembled at Ayodhya by this date.
- 43.8. The Additional DG Law and Order discussed the security arrangements with Commissioner who had met him on 4.12.92 and necessary instructions were issued²⁸². It may be noticed at this stage that frisking was only at entrance point of outer and inner cordon. No major changes were brought either on the spot or otherwise. Ground realities of belligerent mood of *Karsevaks*, incidents of the demolitions, high propensity, or potentiality and capability of *Karsevaks* to damage disputed structure was well within the knowledge of the authorities.
- 43.9. Anju Gupta referring to intelligence reports stated that it was definite that an attack would be made on the disputed structure on 6th December 1992 morning during *Karseva* despite the poor security measures taken and barricading erected.

²⁸¹ See CW 12/55

²⁸² DW-13/20, CW-8/3

- 43.10. Security arrangements were checked by HD Rao, Additional DGP Law and Order, CK Malik IG Security, AK Saran IG. It was observed by AK Saran that though the level of barricading was low at some places yet it was safe for regulating the crowd²⁸³. He categorically said that he was not consulted about barricading.
- 43.11. It was averred before the Commission that a rehearsal was carried out for the demolition of the disputed structure²⁸⁴. Some photographs too were placed on record before the Commission. It will however not be safe to hazard a finding about training in the absence of the conclusive evidence, though there is some circumstantial evidence and some statements do point out finger for the conclusion that the *Karsevaks* were trained in demolition.
- 43.12. Admittedly, press passes were issued by the VHP media centre signed by Ram Shanker Agnihotri and Chauhan to the photographers and journalists who were present.
- 43.13. IG AK Saran stated that the intention to perform a symbolic *Karseva* was given to him by Vinay Katiyar on the 4th of December. This statement of AK Saran, on the face of it appears to be false, as admittedly the purported decision with respect to the symbolic *Karseva* was taken on the 5th of December at Ayodhya by the Dharam Sansad. The organisers and leaders continued mobilising the people for the construction of temple even till the 6th of December 1992.

²⁸³ Reference may be made to CW 8/3

²⁸⁴ See the statement of Praveen Jain CW2 and CW2/2

- 43.14. The paramilitary forces had on the 4th of December expressed apprehension that the situation was going out of control observing the huge crowd outside the disputed structure, despite regular entrance and exit of devotees wanting to pay obeisance to the idols. The district authorities refused to give any specific instructions²⁸⁵.
- 43.15. A German TV crew was attacked at Ram Katha Kunj on the 5th of December for allegedly airing an objectionable news story. This was corroborated by the journalist Mark Tully who also stated that there was an emotional surcharge amongst *Karsevaks* against the foreign press as they had been asked to perform ceremonial karseva against their wishes.
- 43.16. L.K. Advani and Murli Manohar Joshi reached Ayodhya at midnight on the 5th of December 1992, escorted by Anju Gupta and stayed at Janki Mahal Trust. The Commissioner, DIG Faizabad, District Magistrate and SSP, Faizabad called upon them and were assured by them that a peaceful *Karseva* would be carried out. They would ensure that things happened peacefully.
- 43.17. No similar decision was taken by the organisers or the leaders of the campaign nor the *Karsevaks* or Sadhus and Sants or VHP / BJP / RSS or the Shiv Sena or any other member of the Sangh Parivar, to carry out symbolic *Karseva* in terms of the orders of the Hon'ble Supreme Court or otherwise.
- 43.18. Even Chinmayanand Ji who had given an undertaking to the Supreme Court for symbolic *Karseva* was publicly proclaiming that the construction of temple would be carried out. A recording of this speech was produced before the

²⁸⁵ See file no.16.200/52/D/92

Commission where he can be heard denouncing the undertakings as irrelevant.

43.19. Tempers started rising among the emotionally hyped and belligerent *Karsevaks*. It was never in dispute that they had the ability to carry out the demolition.

43.20. Even the authors of slogans, either denied their raising at all or pleaded lack of memory because of the lapse of time. However, the slogans were widely known. They were not only published in the print media or electronic media, but can be heard and seen being raised on the CDs and video cassettes produced before the Commission, and whose authenticity has been mostly admitted. Although there was a blatant denial of the slogan-shouting by most of the witnesses including officers of administration and the leaders of the movement; these denials are clearly untrue.

43.21. Paramhans Ramchander Dass²⁸⁶ not only affirmed these slogans and their having been published in media but also accepted that provocative slogans were being raised. Some of the slogans which can clearly be seen on the banners displayed in various meetings addressed by the leaders of the movement, have inexplicably been sought to be denied.

43.22. The effect of slogans varied in tone according to the orator but it was never in doubt as to what and whom were they raised against and the effect which was sought to be produced in the audience.

²⁸⁶ DW11

43.23. The slogans were clearly directed against the Muslim population. Relatively innocuous slogans like "*Jo Hindu hit Ki baat Karega, Wohi Desh par raaj Karega*" had already been raised and displayed in various public meetings including the one held by the VHP at the Delhi Boat Club much earlier which was ostensibly called and organised by the Dharam Sansad, though the BJP, RSS, BD etc participated fully therein. The persons who can be seen or are stated to have raised these slogans have feigned ignorance or memory loss before the Commission.

43.24. A small selection of the slogans which became extremely popular and were regularly heard during the campaign at Ayodhya during *Karseva*, especially in December were

"Ram Lalla Hum Aye Hein Mandir Yabhi Banayenga"

"Mitti Nahin Khiskayenge, Dhancha Tor Kar Jayenge",

"Badi Khushi Ki Baat Hai, Police Hamara Saath Hai",

"Jab-Jab Hindu Jage, Tab-Tab Mullah Bhage"

"Jo Roke Mandir Nirman, Usko Bhejo Pakistan"

"Jis Hindu Ka Khoon Naa Khola, Woh Khoon Nahin Pani Hai".

43.25. Acharya Dharminder Dev, tried to defend the slogan, "*Babar Bole Jai Sia Ram, Akbar Bole Jai Sia Ram*" as *Kirtan*, which was factually directed towards the Muslim community. The meaning and intent of the slogans and their orators as well as the effect the slogans had on the audience are not difficult

to discern. The ability of a mob-like crowd to draw fine semantic distinctions is quite possibly not as sophisticated as that of the Acharya.

43.26. The audio and visual recordings produced before the Commission in the form of CDs, audio and video cassettes, photographs shows a people belonging to the illiterate or gullible classes, most of them not even clothed properly for the December winter. A significant part of the people can be seen bereft of any footwear. One can also easily spot the camera savvy and media conscious small time leaders of the smaller groupings in the recordings²⁸⁷.

43.27. The belligerent attitude and the aggressive temper of the people is conclusively established by the evidence produced before the Commission. This attitude and sentiment continued on the 6th of December.

43.28. An attempt was made before the Commission to shield the important leaders like L.K. Advani by denying that they made any emotive speeches by most of the witnesses who appeared before the Commission.

43.29. It was not only the crowds which were raising provocative slogans, but also the religious political and other leaders in their speeches at *Ram Katha Kunj* and in Ayodhya since long and on the 6th of December. The fact that emotive or inflammatory speeches were given was not conceded, yet impliedly admitted by the witnesses. Some of these speeches especially those delivered

²⁸⁷ See the statements of Peeyush Srivastava (CGW10), Rakesh Sinha (CGW19), Surinder Kumar Yadav (CGW34), D.D. Gupta (DW2), Paramhans Ram Chander Dass (DW11), Mark Tully (CW1), A.K. Saran (CW8), R.N. Srivastava (CW31) and Sanjay Kaw (CW20).

by the religious leaders and the politicians in the garb of religious leaders can be heard on the video recordings produced before the Commission and finds corroboration in the statement of SP Gaur.

43.30. VHP carried out the rehearsal of symbolic *Karseva* in which only a couple of hundred people belonging to VHP participated. There was neither any information with the administration about the rehearsal nor it participated in it. So was it with the other organizations supporting the construction movement.

43.31. Urgent messages about the threat perception were sent by the IG Security, on the 5th of December which were read out to officers and the implications were explained. It was claimed that some temporary wooden barricades were erected on the intervening night of 5th and 6th December 1992 in order to streamline the entry of *Karsevaks*. There is nothing on the record to substantiate this except the bare averments. Otherwise also, the strength and the placement of these barricades is unknown. Even the barricades allegedly erected were admittedly not with a view to protect the structure but only to facilitate the entry of the karsevaks.

43.32. The Home Secretary proposed to the Chief Minister to deploy 133 companies of the central forces for the security of the structure on the 5th of December since the number of *Karsevaks* was expected to exceed 2,50,000 on the 6th of December. By articulation of the information available with respect to the potential damage or demolition of the disputed structure by the karsevaks, it was stated that there was information available with respect to

extremists and subversive elements likely to cause the damage, and therefore he advised the Chief Minister that the State Government should use the 133 companies of central forces.

43.33. The Chief Minister stated that the State Government had already accepted and acted upon the suggestions of the police and the concerned organizations who had assured that no damage will be caused to the structure. The hackneyed excuse about the potential trouble arising out of dual control of the forces in Faizabad was repeated, and it was ordered that protection be carried out by making use of state forces only²⁸⁸.

43.34. A.K. Saran admitted that the *Karseva* carried out before 5th of December 1992 was the construction of temple at Chabutra at a distance of 200 yd. from the disputed structure. The volunteers were controlling and regulating the *Karseva*, but he had no knowledge as to who granted the permission and to whom. He saw the rehearsal being carried out on the said date²⁸⁹.

43.35. AK Saran also stated that the security arrangements were made on the assumptions that the security of the disputed structure would be tightened up, there should be traffic control of the entire mob with the free flow of the crowd, with no stampede.

43.36. Acharya Dharminder Dev again declared on the 5th of December that they would follow the instructions of Sants and not the Supreme Court. The

²⁸⁸ See DW-13/22 and CW 16/17 and corroboration by Dr. Madhav Godbole

²⁸⁹ See CW-8/3

people were assured that they ought to have the faith that their ambitions would be fulfilled.

43.37. On the 5th of December, Chinmayanand, Uma Bharti and some others advised the *Karsevaks* to be disciplined and tolerant. They were told that what they have to do will be told to them the next day, i.e. on the 6th of December.

43.38. These speakers addressed the 60,000 -70,000 *Karsevaks* at Ram Katha Kunj. The *Karsevaks* were ostensibly told that they were there to construct a Temple and not to demolish a Mosque. It was said that , *“As long as Ram Idols are there, it is a Ram Temple and we will not demolish it.”* They admitted that the situation could go haywire and deteriorate, but that *we have to remain disciplined and under all circumstances keep the peace.* Slogans, ostensibly to keep the peace were mouthed in the meeting²⁹⁰.

43.39. R.N. Srivastava²⁹¹ District Magistrate admitted that on the 5th of December, the whole town, its lanes and by lanes were full of *Karsevaks* raising slogans. They were in an aggressive, belligerent and demonstrative mood, and their ire was directed especially against the Muslim community and the central forces.

43.40. The District Magistrate met Paramhans Ramchander Das, Nritya Gopal Das, and other Mahant of Chawani, who attended the meeting of Marg Darshak Mandal on 5th December 1992 at Ayodhya. They too pretentiously assured the conduct of peaceful symbolic *Karseva*.

²⁹⁰ See official file no. 23.1R-1074-92-CX-2

²⁹¹ CW31

43.41. The Chief Minister Kalyan Singh, once again and in writing this time, ordered against the use firearms specifically on the 6th of December. The fact was well known throughout the leadership of the movement, the administration as well as to the people assembled in Ayodhya. This was consistent and in continuity of the directions issued by Chief Minister Kalyan Singh in July 1992, and an obvious sign that a free hand was available to the *Karsevaks*²⁹².

43.42. The Commission is of the considered opinion that the security apparatus was nonexistent in Ayodhya on the 6th of December, 1992. The police and other personnel deployed had been bound down into an ineffective role and had specific instructions against any substantive action. They were to ensure that the government achieved its electoral manifesto. The state administration was there to appease the political executive by helping it in consolidating their hold on the general public.

²⁹² See the statement of DGP UP Parkash Singh CW14.

44. The Sixth of December, 1992

- 44.1. The District Magistrate, the SSP, K.Sudershan and Acharya Giriraj Kishore apart from other witnesses before me admitted that the *Mahurat* for the commencement of the *Karseva* had been fixed for 12:15p.m on the 6th December 1992. Pretentious
- 44.2. On the 5th of December a sham paper decision was taken by the Kendriya Marg Darshan Mandal – Dharam Sansad that only a symbolic *Karseva* would be carried out near a platform after performing the puja on it at the *Mahurat* time of 12:15 p.m.
- 44.3. The Sadhus and Sants were seated on the platform on the 6th of December. About one hundred *Swayam Sevak*s of RSS equipped with batons and belts were looking after the arrangements and controlling going onto the platform. A few PAC *jawans* were also present there with batons.
- 44.4. Other leaders and organizers of the *Karseva* and the important religious leaders and Sadhus and Sants were present on the dais at the *Ram Katha Kunj* in large numbers. Tents had been erected within *Ram Dewar* as well as outside the acquired land of 2.77 acres for the stay of the karsevak and their leaders.
- 44.5. The BJP firstly issued instructions to its Member of Parliament and its MLAs not to participate in the movement on the ground that rulers cannot be seen to be agitators. Despite these instructions legislators, ministers and

the MPs (some of whom had resigned and others without doing so) participated in mobilizing *Karsevaks* and in *Karseva*. Later even these instructions were withdrawn for unexplained reasons²⁹³.

- 44.6. The total force deployed in Ayodhya on 6th December 1992 admittedly consisted of 35 companies of PAC, 4 companies of CRPF including the women wing squad, 15 tear gas squads, 15 Police Inspectors, 30 sub-Inspectors of police, 2300 Police constables, bomb disposal squad, sniffer dog squads, Fire Brigade and ambulance. The deployed force was under the charge of DB Roy, SSP Faizabad. DIG Faizabad, IG Lucknow zone, IG PAC, and Commandants of CRPF were also present in Ayodhya on duty for security of the disputed structure. Magistrates were posted at sensitive places and at the Ram Janambhoomi Complex.
- 44.7. The entire administration at Ayodhya was controlled by District Magistrate RN Srivastava. He was acting on a direct, minute-to-minute control of the Chief Minister. The Home Secretary and the Chief Secretary were directly in touch with the District Magistrate and were giving instruction from time to time from Lucknow. The Commissioner Faizabad was present in Ayodhya on the fateful day without taking any active interest either for security or for crowd control or guiding the officers under his supervisory control.
- 44.8. KS Sudarshan admitted that the decision to deploy RSS Swayamsevaks for the security of the disputed structure and controlling and regulating the crowd had been taken. He stated that the persons deployed were identified

²⁹³ Corroborated by LK Advani and Acharya Dharmendra Dev

by the RSS Divisional *Pratinidhi*. In the totality of circumstances, his denial of the deployment of any specific person or institution cannot be accepted.

44.9. 195 companies of paramilitary forces were stationed around Ayodhya near Faizabad ready for being deployed to meet any situation. The State Government was categorically told in writing as well as orally that forces stationed around Ayodhya near Faizabad were available for deployment at Ayodhya as and when state wants to deploy them. The force stationed had been clearly instructed to be available to the state without seeking any further orders.

44.10. On 6th of December, at about 9.30 a.m., the Home Secretary of India, informed the DGP of ITBP to keep the paramilitary forces ready in case of any request for assistance was received from the State Government and to deploy the forces without waiting for the formal orders from Ministry of Home Affairs. The Home Secretary also requested the Principal Home Secretary, Uttar Pradesh present at the residence of the Chief Minister as well as UP DGP to persuade the Chief Minister to utilise the central forces. These facts have been admitted and were not in dispute before the Commission. V.K. Sexena accepted the factum of a fax having been sent to the state by Central Government about the availability of the forces stationed and ready for being used at Ayodhya by the state in the eventuality of need.

44.11. LK Advani and others met at the residence of Vinay Katiyar on the 6th of December before proceeding to the disputed structure. Vinay Katiyar, LK Advani, Murli Manohar Joshi, Ashok Singhal, Acharya Giriraj Kishore, Uma

Bharti, Sadhivi Ritambra and others were also present there. There is nothing on record to indicate whether this was a formal meeting or otherwise.²⁹⁴ In any case, nothing hinges on this since no inference or conclusion was suggested.

44.12. On the 6th, at 10:30 a.m. L.K. Advani and M.M. Joshi, accompanied by Vinay Katiyar, along with the Sadhus and Sants followed by Ashok Singhal reached the platform, meant for the puja and symbolic *Karseva*. On their arrival, a defiant group of *Karsevaks* pushed themselves against the security cordon and despite the resistance offered by the RSS Swayam Sevaks, breached the security cordon and reached the platform meant for puja.

44.13. No visible substantial resistance was put up by the police or the administration for forestalling the intruders. The RSS Swayam Sevaks succeeded in physically throwing the intruders out from the platform. L.K. Advani and MM Joshi after seeing the arrangements for the symbolic *Karseva*, stayed at the platform for about 10 to 20 minutes and thereafter went to the *Ram Katha Kunj* at a distance of 200 yards from there.

44.14. The Administration pretentiously and falsely reassured the assembled journalists, that everything was under control and they should not waste their time.

44.15. LK Advani emphasized on oath that had the organizers not accepted the Supreme Court's order of symbolic karseva, he would not have associated

²⁹⁴ This fact was corroborated by RN Srivastava (CW30) and others. However, Vinay Katiyar specifically denied this.

himself with the karseva. He stated that his interest was in seeing the matter resolved somehow, and he therefore tried to impress upon the government to request the Allahabad High Court for an early judgment, i.e. before 6th December 1992.

44.16. Religious Leaders and others had been making fiery speeches at the *Ram Katha Kunj* in Ayodhya for some time.

44.17. District Magistrate and SSP Faizabad took a round of Ram Janambhoomi complex at about 11:45 a.m. from east to west via south and came back to east.

44.18. At about noon, a teenaged *Karsevak*, vaulted onto the dome and thereby signalled the breaking of the outer cordon. Other *Karsevaks* wielding pickaxes, hammers, iron rods, and shovels started scaling the *Ram Dewar* and over the barriers of the outer, inner and isolation cordons, from the east, west and south directions. They stormed the disputed structure. The police deployed at the spot gave their canes and shields to the karsevaks who brandished them openly.

44.19. The *Karsevaks's* assault on the disputed structure started around 12:15 PM. They first entered the Garb Grah and carefully took the idols and cash box etc. to a safe place. Continuous brick batting at the security forces gave ample cover to the *Karsevaks* assaulting the disputed structure. This was a planned act in order to give the impression of spontaneous chaos. This is corroborated by admitted facts including the space available within the cordons. There was no order requiring the movement of the forces from the outside towards the

cordons. The whole open area between the cordons was occupied predominantly by the Karsevaks and their leaders. The *Karsevaks* on the domes started breaking the upper plaster, etc with hammers.

44.20. In fact, the demolition was accomplished by smashing holes inside the walls. Ropes were inserted through these holes in the walls under the domes; the walls were pulled down with these ropes, bringing down the domes as well.

44.21. The *Karsevaks* succeeded in pulling down the first dome at 1:55 p.m. This breakthrough sent the hard core protagonists like Sadhivi Ritambra and the other Sadhus, Sants and leaders into ecstasy.

44.22. The forces present in Ram Janam Bhoomi complex were outnumbered and got mixed up with the *Karsevaks*. They did not have any means of communication with their officers present in the control room. The state police and the PAC took no action throughout. The CRPF forces reassembled at Sita Rasoi, but no order was given to them thereafter.

44.23. It was admitted by K.Sudershan etc. and generally accepted that around a hundred and fifty *Karsevaks* suddenly broke through the cordons. The evidence presented before the Commission suggests that the total numbers present within the corridors was anywhere between 1,000 to 5,000. The presence of another 75,000 to 150,000 *Karsevaks* was claimed at Ram Katha Kunj at a distance of 200 yard from the disputed structure. Ram Katha Kunj was an open area expanding up to Ram Dewar.

44.24. LK Advani, MM Joshi, Ashok Singhal, Vijay Raja Scindia, H.V. Sheshadri etc. who were present at the Ram Katha Kunj made feeble requests to the

Karsevaks to come down from the disputed structure, either in earnest or for the media's benefit. One could have reasonably perceived that the demolition of the disputed structure was not possible from the top of the domes. No request was made to *Karsevaks* not to enter the *Garb Grah* or not to demolish from inside under the domes. This selected act of the leaders itself speaks about the Hidden intentions of one and all being to accomplish demolition of the disputed structure. The icons of the movement present at the Ram Katha Kunj could have just as easily have proceeded to the corridors and utilizing the administration's assistance or that of their highly disciplined Swayamsevaks, prevented the demolition.

- 44.25. LK Advani first made requests over the public address system to the *karsevaks* on the dome to come down. When the request fell on deaf ears, then he deputed Uma Bharti²⁹⁵, Acharya Dharmendra Dev²⁹⁶, Baikunth Lal Sharma 'Prem' to go along with his own personal security officer Anju Gupta to the disputed structure to persuade the *Karsevaks* to come down. The *Karsevaks* paid no heed to this request either. Uma Bharti claimed that when persuasion failed, an attempt was made to bring them down by instilling fear of the paramilitary forces, saying there would be firing and bloodshed. The *Karsevaks'* reaction reportedly was that , "*we have not come here to eat Halwa Puri. We are not of that brand of Karsevaks. We have come from our home to face firing*". The *Karsevaks* did not react to persuasion nor to fear.

²⁹⁵ CW6

²⁹⁶ CW10

- 44.26. This charade by these leaders at the instance of LK Advani is in stark contradiction to their own prior conduct and their public posture, incitement and exhortations to the crowd to build a temple in place of the disputed structure. The demolition of the structure was unavoidable for the construction of the temple.
- 44.27. *Karsevaks* and their leadership consistently refused to change their conduct or the stand taken by them. After these initial attempts were made to pacify the *Karsevaks*, nothing was done thereafter to stop the assault, either by the organisers or the Sadhus and Sants; or by the administration and the police.
- 44.28. *Karsevaks* assaulted the journalists and photographers present in and around Ram Janambhoomi complex and the disputed structure and at Manas Bhavan etc. The assault coincided with the crowd entering into the cordon. In other words, the journalists and the structure were attacked simultaneously. The *Karsevaks* snatched film rolls and smashed the cameras and beat up journalists and photographers present in the complex or outside.
- 44.29. The Idols and cash box removed to safe places before the *Karsevaks* went inside the domes were placed at their original place at about 7pm. The construction of a temporary make-shift temple commenced at about 730pm through *Karseva*.
- 44.30. Chief Minister Kalyan Singh announced at 6.45pm that he had resigned. The Central Government on the other hand claimed that the Chief Minister Kalyan Singh was dismissed.

- 44.31. A cabinet meeting was called and President's Rule imposed in the state at 6:30 p.m. The President of India signed the proclamation of the imposition of President's Rule at 9.10 p.m. About two lakhs *Karsevaks* in militant and aggressive mood were present in the complex at the time.
- 44.32. A close examination of the evidence shows that the enthusiastic chanting of inflammatory slogans including "*Ek Dhaka Aur do, Babri Masjid tor do*" acted like the proverbial war cry and these were raised to encourage the *Karsevaks* in their dastardly deeds. Slogans against Muslims were also raised. Sarcastic remarks were made against High Court and the Supreme Court. Mulayam Singh's "*Yahan Parinda Bhi Par Nahin Mar Sakta*" comment was mocked.
- 44.33. The District Magistrate in this chaotic scenario did nothing. Nor did the galaxy of the senior officers named in my report including AK Saran, SP Gaur, and CK Malik etc took any steps to stop the demolition or assaulting the journalists.
- 44.34. Only after seeking permission from the Chief Minister, the District Magistrate requisitioned the paramilitary forces stationed around Ayodhya and Faizabad at about 12:30 p.m. The Chief Minister had now granted permission to deploy the paramilitary forces subject to the condition they would not resort to firing on the persuasion of the UP Home Secretary at the stage when he felt assured that the task of achieving the promises made in the election manifesto had been substantially fulfilled and that nothing could be done to undo the demolition or any other act likely to be carried out like the construction of a makeshift temple at the spot. Secondly, it was ensured

through loyal workers that the paramilitary forces did not reach the disputed structure during the period that the demolition was being affected. The organizers with the benefit of experienced and retired officers were well aware about the significance of the time factor.

44.35. Requisitioned at 12:45pm, the paramilitary forces were unable to reach the disputed structure and faced stiff resistance, as well as physical hurdles employed by the *Karsevaks*, either of their own volition or on being exhorted by the leadership.

44.36. The District Magistrate and DIG Faizabad requisitioned from the Director-General ITBP and Deputy Inspector General CRPF, 30 companies of the paramilitary forces, and later another 50 companies. The Director General of the paramilitary forces requested Magistrates to accompany the paramilitary forces from their base to Ayodhya. The Home Secretary asked the DGP to issues necessary instructions at 2.30pm and spoke to the Chief Secretary to the same effect. He also spoke to the Defence Secretary to provide helicopters for the movement of additional troops if necessary.

44.37. Thereafter, three battalions of forces left for Ayodhya accompanied by Magistrates and Circle Officers, while the rest of the battalions were waiting for the Magistrates who never came. The paramilitary forces were not allowed to reach Ayodhya by the *Karsevaks* by placing physical hurdles and becoming unwieldy on way to Ayodhya.

- 44.38. V.K. Sexena²⁹⁷ confirmed that the Home Department had authorized the District Magistrate to utilize the available para military forces. The District Magistrate gave written requisition to the DIG CRPF in the control room to make available 15 companies. The Chief Minister personally phoned the District Magistrate to take all available measures to control the situation without resorting to firing. However, the damage to the disputed structure continued and no action was taken by police or the IG, DIG, District Magistrate or the SSP Faizabad present at the spot till 12:50 p.m.
- 44.39. On the other hand, officers can be seen on video cassettes saying "*Kuch To Karo*" without in fact doing anything at all.
- 44.40. At 1.15pm, the DGP opined that the situation could not be brought under control without resorting to firing. However, emphasis was placed again on the categorical order prohibiting firing under any circumstances.
- 44.41. The Home Minister asked the Chief Minister about the action taken. The DG ITBP, informed the Home Ministry about resistance being faced and the road blocks created by the people enroute. He stated that they had reached the degree college with much difficulty, to face stone pelting and resistance and further hurdles and road blocks.
- 44.42. Even though the Chief Minister was informed about this, he gave a written order not to resort to firing under any circumstances and to take any other

²⁹⁷ CW13

measures to control the situation²⁹⁸. The Magistrate ordered in writing for the forces to turn back at about 2.25 PM.

44.43. State Government and the Home Secretary were kept informed, from the time the first dome was demolished, that the way could not be cleared without the use of force, which neither the Chief Minister, nor the District Magistrate, permitted. At this stage another interesting fact about the conduct of chief Minister Kalyan Singh emerged is: that despite of the whole world was seeing the happenings at the disputed structure including the assault on the journalist, the chief Minister asserted that he would verify the facts brought to his notice by the administration or the media. The whole conduct and acts of the Chief Minister Kalyan Singh was intended to delay the deployment of paramilitary forces or the intervention of the Central Government before the object of demolition is completely achieved.

44.44. Communal riots had commenced at Ayodhya at about 3.30 PM. Riots were carried out by another group of Karsevaks that i.e. one group of Karsevaks who were carrying out the demolition. The DGP again informed the Chief Minister and others in the hierarchy that the situation could not be brought under control without resorting to firing. The Central Government repeatedly responded to the situation by informing the State Government through the Ministry of Home Affairs that officers at any level were free to seek the assistance of Army by approaching the local authority directly for which instructions had already been issued.

²⁹⁸ *The orders are DW5/3 and DW5/4*

- 44.45. The Director General of the paramilitary forces informed the State Government of the availability of two battalions of rapid action force present and their readiness to move to Faizabad. The District Magistrate, at about 6 pm informed the Director General that he were trying to arrange the magistrates in whose absence the troops could not be deployed.
- 44.46. The police and the administration was a mute spectator. Their loyalty to the political masters was writ large.
- 44.47. District Magistrate RN Srivastava²⁹⁹ spelt out the policy of State Government with respect to disputed structure and the karseva on the 6th of December. In his own words *“we were told that karseva would be peaceful and Karsevaks would not violate any court order, but the administration should be prepared to see and ensure that no damage is done to disputed structure.”*
- 44.48. He spelt out various steps taken for security. These included being alert all the time, more touring, more inspections and some more wooden barricading erected between the night of 5th and 6th morning for regulating the entry of the karsevaks to the *Shilanyas* site.
- 44.49. District Magistrate RN Srivastava further admitted that no other attempt was made by the administration to regulate or restrict, control the flow of karseva in Faizabad and Ayodhya in November or December 1992 as the Supreme Court had permitted the symbolic karseva. No necessity of this was felt till the 6th of December either. He claimed that notices were sent to other states to ensure that *Karsevaks* do not come to Ayodhya as their number had already

²⁹⁹ CW 30

reached 2.5 lakhs in an area of 50 acres around the disputed structure and Ram Katha Kunj. There was no corroboration to this either factually or through any other means.

44.50. There was a mixed reaction, amongst the leadership of the movement. L.K. Advani and other more sober leaders were taken aback by the demolition. LK Advani expressed his reaction in the following words, *“I feel proud about my participation in the movement though with respect of incident of 6th December, 1992, VHP and RSS Leaders present with me signed the statement describing the demolition as unfortunate. I described myself as dejected and down cast on that day.”*

44.51. Others like Sadhivi Ritambra, Vinay Katiyar, Uma Bharti, Paramhans Ram Chander Das, Acharya Giriraj Kishore, Sakshiji Maharaj, Acharya Dharminder Dev, Swami Chinmayanand, Mahant Avidyanath, Praveen Tagodia, etc, were not only jubilant claiming it to be their success but went into ecstasy along with their followers. Religious leaders were openly jubilant during and after the process of demolition. Their excitement and joy was shared by the *Karsevaks* present.

44.52. Kalyan Singh’s reaction was, *“It was like a badly inflated balloon which burst. All other political parties, particularly Centre are to be blamed for frustration of Karsevaks, who forced them to go desperate. They should arrest me because after all, I fulfilled one of the major objectives of our party and have redeemed the party’s election manifesto.”* It is an open secret that the leadership of RSS or BJP asserted that the political gains achieved by BJP, in the process of demolition

of the disputed structure, particularly consolidating the Hindus should not be wasted. It should be assimilated and converged into the votes for BJP or of the political parties reputed to be as the protectors of Hindus.

44.53. There were chaotic scenes at the disputed structure requiring the immediate requisitioning of paramilitary forces; still the Chief Minister maintained that he was receiving conflicting reports about the entry of *Karsevaks* into the disputed structure or the complex. This information had even been sent to the Central Government and there was no doubt left that the *Karsevaks* had stormed into the structure and the cordons.

44.54. The Chief Minister was intentionally and inexplicably complacent even in these circumstances. He informed and assured the Home Minister of India that he would verify and deal with the matter, when the entire word was physically seeing what was happening at the disputed site, apart from he being informed for minute to minute happening by his administration, media and his loyalist *Karsevaks* or BJP workers.

44.55. It was between 3:30 p.m. and 4 p.m when the communal frenzy broke out in the town of Ayodhya. Houses of the Muslims were put on fire. The DGP again opined that the situation could not be controlled without resorting to firing and requested for permission from the Chief Minister. The same request was repeated to the Chief Secretary. DGP, District Magistrate and SSP at 5:35 p.m were informed that the orders of the Chief Minister not to act will not be tenable in view their statutory responsibility.

- 44.56. Before me, the leadership pleaded not only a loss of memory, but in some cases they put forth a total denial even after a lapse of 10 years. They intentionally defended their leaders or the involved organizers in this manner.
- 44.57. Peeyush Srivastava, Additional SSP stated a deliberate and patent lie before the Commission that the communal frenzy broke out because of the firing from a house of a Muslim on the *Karsevaks*. This was stated in the face of evidence on the record. He knew of course that compared to the lakhs of *Karsevaks* present in Ayodhya the Muslims were in insignificant numbers and that this theory would not even be credible for a moment. The theory for the cause for riots stated by Peeyush Srivastava is not only false, but consistent with a pattern of behaviour persons like him seeking to build person defences or for their mentors.
- 44.58. Home Secretaries of various States were informed that they could take the assistance of army by approaching the local authorities directly and requisition forces in case of communal riots. The state administration provided the public conveniences under the oral orders of Principal Home Secretary under the directions of Chief Minister at or near the places of *Karsevaks* camps³⁰⁰.

³⁰⁰ Corroborated by Prabhat Kumar (CW9)

45. A brief summation of the factual matrix

- 45.1. Unfortunately, in the entire Ayodhya episode, those who know the entire truth have neither bothered to come forth with it, nor stopped for a moment to consider any one section of, or the society as a whole. One can observe particularly about the members of the Bar who proclaim themselves to be social leaders in Parliament and who have been publicly adopting one or the other stance on the issue and issuing statements criticising the delay in this report in the media, that they did not even care to seek the reasons for the delays; nor formally assist the commission in gathering information.
- 45.2. Kalyan Singh who at one point of time was proclaimed to be national hero for the demolition, in the media and which accolade he has never refuted, was the Chief Minister at relevant point of time and expected to know everything from the government sources at his command, his own political and private resources and his relations with those who were present at the spot. He has not only consciously attempted to conceal the information, but also evaded to give the information to me by making all possible attempts; whether through the judicial process or otherwise till date. After declaring first himself declaring his being aware of the conspiracy for the demolition, later appeared of his own before the commission and disowned his earlier statement.
- 45.3. Despite coercive processes which the Commission had to adopt, he has tried to obstruct the enquiry for the truth by this Commission consistently. Even

when he appeared before the Commission, he completely denied any knowledge of the conspiracy. He even disowned his own earlier statements by stating before the commission that it was only an emotional outburst provoked by the stand taken by the counsel for the Union of India.

45.4. The RSS has admitted in its written arguments that *Janam Sthan Bhoomi Mukti Sangharsh Samities* were formed throughout the country for getting the *Ram Janam Sthan* “liberated” with the object of constructing Ram Janam Sthan temple on the very site on which the disputed structure stood. That the RSS had willingly extended its support to this campaign. All the organisations spearheading the movement including the VHP, had decided to start *Karseva* for the construction of temple on October 30, 1990 and despite the repressive measures taken by the then UP Government.

45.5. In essence, it was submitted that the Sants spearheading the movement took the decision to do the karseva on July 9, 1992, which was suspended for three months only for resolving the issue on the direct intervention of the Prime Minister. Upon its failure, the *Dharam Sansad* decided to recommence the karseva with effect from 6th December 1992. It was the Sadhus and Sants who had decided to build a magnificent Ram temple on the opening of locks in 1986. He referred to the various facts which had been mentioned to in the earlier part of the narration of facts in this report. The only other fact which specifically find mentions in the argument is that Sharad Pawar, the then Defence Minister, the Joint General Secretary Prof Rajendra Singh and Kumar Mangalam the then State Minister and Bhairao Singh Shekhawat

met in Bombay at the residence of Sharad Pawar where a decision was taken to get the court decision before December 6, 1992.

45.6. In the arguments, after referring to the statement of KS Sudarshan it was admitted that, “*we tried to guide the karseva in such a manner that the karseva would start and the structure remain intact, we planned in such a manner. The plan was that court would pronounce its verdict regarding the disputed structure and there will be some settlement with the Muslim leaders*”. Secondly, the *Karsevaks* who were called in were not skilled workers and their job was in fact to assist the skilled demolition experts. Thus on the 4th of December 1992, in a meeting of the *Mandir Jeernodhar Karma Samiti*, wherein RSS also participated, four decisions were taken. That the *Karsevaks* would only assist the skilled workers in the task of temple construction; the karseva would start on December 6, 1992 at 12:15 noon; sand would be brought from the Saryu River to fill up the pits; and lastly, that no one should be allowed to stay in the Ram Janambhoomi-Babri Masjid complex. It was hoped that the RSS would inspire all the *Karsevaks* to do karseva peacefully as they feared an intervention by the Central Government’s paramilitary forces. The whole plan was made in such a way that December 6, 1992 would pass on peacefully. The *Marg Darshak Mandal* approved the decisions taken by *Mandir Jeernodhar Karma Samiti* on 4th December 1992.

45.7. Emphasis was laid in the arguments about the role of administration – civil and police – in the entire arrangement of stay of *Karsevaks* and no role being assigned to the police and administration; and that the police and

administration were only to make security arrangements to avoid any trouble.

RSS workers were standing there and organising the movement.

- 45.8. It would be unjust and going against the record not to note another important fact admitted by KS Sudarshan and expressly stated as such in the arguments that it was only 4,000 to 5,000 *Karsevaks* who had gone out of control; some of them climbed the disputed structure and many other started breaking the barricades around the disputed structure. To answer the question that if this was not part of the plan, then what went wrong, it is necessary to ask some more questions. Since when was RSS associated with the campaign? It was admitted that they joined in, in 1986 when the locks of Ram Janambhoomi were opened and the RSS passed its first resolution welcoming the unlocking of Ram Janambhoomi complex.
- 45.9. Simultaneously the RSS had called upon the *Hindu Samaj* and the *Swayamsevaks* of RSS to support the *Ram Janambhoomi* movement. It started urging the *Swayam Sevaks* to go to Ayodhya in 1990 and even to become “martyrs”.

46. Persons or leaders or Sadhus and Sants who participated in the movement.

- 46.1. AB Vajpayee
- 46.2. Abhya Ram
- 46.3. Acharya Dharmendra Dev
- 46.4. Acharya Giriraj Kishore
- 46.5. Acharya Madhav of Vishesh Tirath Harpi Karnatka
- 46.6. Acharya Madhave Ashavahi Bhavan vishav
- 46.7. Acharya Vasudev Kaushalya Sadev
- 46.8. Additional DGP intelligence
- 46.9. Akshay Ram Dass
- 46.10. Anand Rizivi
- 46.11. Anil Kalia
- 46.12. Anil Tiwari
- 46.13. Arvind Kumar
- 46.14. Ashok Dawra
- 46.15. Ashok Singhal

- 46.16. B R Grover Dr
- 46.17. Badri Prasad Toshniwal
- 46.18. Baikunth Lal Sharma MP
- 46.19. Bala Sahib Thackeray
- 46.20. Banwari Lal Prohit
- 46.21. BB Toshnival
- 46.22. Bhooma Nand
- 46.23. Braham Dutt Divedi
- 46.24. Champat Rai
- 46.25. Charan Dass
- 46.26. Col BS Zaidi
- 46.27. Commissioner SP GAUR
- 46.28. D.P.Toshniwal
- 46.29. Dau Dayal Khanna
- 46.30. Devendra Sawroop Aggarwal Dr
- 46.31. Devki Nandan Agarwal Justice
- 46.32. Devraha Baba

- 46.33. Dharinder Brahamchari
- 46.34. Dinesh Tayagi
- 46.35. Dr. Ram Vilas Vedanti,
- 46.36. GM Lodha
- 46.37. Govinda Acharya
- 46.38. H V Sheshadri
- 46.39. Hans Raj
- 46.40. Harsh Narain Dr
- 46.41. Inder Singh
- 46.42. DN Aggarwal
- 46.43. Jagat Guru Ramanucharya Vasdev
- 46.44. Jagat Guru Shankeracharya Shankra Nand Sarswati Budhev
- 46.45. Jagatguru Purushotamacharya
- 46.46. Jagatguru Ramanujacharyaji
- 46.47. Jagdambica Paul
- 46.48. Jagdish Muni
- 46.49. Jai Bhagwan Goyal

- 46.50. Jai Bhan Singh Pawaria of BD Aodhya
- 46.51. KS Sudarshan
- 46.52. Kalraj Mishra
- 46.53. Kalyan Singh Chief Minister
- 46.54. Kaushal Kishore-Varindavan
- 46.55. Kemeshawer Chopal
- 46.56. Khusabhau Thackeray
- 46.57. Kikar Singh
- 46.58. KK Shastry
- 46.59. LK Advani
- 46.60. Lal Ji Tandon
- 46.61. Lalit Kishore Minister
- 46.62. Lallu Singh Chauhan
- 46.63. Laloo Singh
- 46.64. Mahant Avidyanath
- 46.65. Mahant Nritya Gopal Das
- 46.66. Mahant Paramhans Ram Chander Dass

- 46.67. Mahant Parmanand Ji
- 46.68. Mahant Ragber Dass
- 46.69. Mahant Saryu Das-Raghav Mandir
- 46.70. Mahant Satya Mitra Nand Ji Haridwar
- 46.71. Mahapat Singh ji dec 92 ind today
- 46.72. Makhoo Singh
- 46.73. Mata Pershsad
- 46.74. Moreashawar Savoy
- 46.75. Morpanth Pingale
- 46.76. Murli Manohar Joshi
- 46.77. Navin BHAI Shukla
- 46.78. Nayryen Singh
- 46.79. Om Perakash RSS
- 46.80. Onkar Bhava
- 46.81. Pandit Akhileshwar Das-Janaki Ghat
- 46.82. Parbhat Kumar, Principal secretary home
- 46.83. Parmod Mahajan

- 46.84. Parshotam Narain Sigh
- 46.85. Parveen Togadia
- 46.86. Pawan Kumar Gupta
- 46.87. Pawan Pandya
- 46.88. Peeyush Sirivastava
- 46.89. Prem Das Ramayani
- 46.90. Prof Rajendra Singh
- 46.91. Rajendra Gupta
- 46.92. Rajinder Singh Pankaj-Saharanpur
- 46.93. Ram Khatri
- 46.94. Ram Krishan Agnihotri
- 46.95. Ram Murat Sharan
- 46.96. Ram Pershad Tiwari
- 46.97. Ram Vilas Das Vedanti
- 46.98. Ramoo Priya Darshi MLA
- 46.99. Rao Priya Darshi
- 46.100. RK Gupta

- 46.101. Romesh Pertap
- 46.102. Sadhivi Ritambra
- 46.103. Satish Perdhan Shive Sena MP
- 46.104. Satyanandji
- 46.105. Shakshi Ji Maharaj
- 46.106. Shalinder Nath
- 46.107. Shanker Singh Vaghela President Gujarat BJP
- 46.108. Sharad Sharma of VHP
- 46.109. Shatrugan Sinha
- 46.110. Shive Ram Acharya
- 46.111. Shivenam Tripthi
- 46.112. Shri Chander Dixit
- 46.113. Sideshwar Rao
- 46.114. Sifti Rizivi
- 46.115. Sikander Bakht
- 46.116. SP Gupta Dr
- 46.117. SP Shahi minister for state Home

- 46.118. Sunder Singh Bhandari
- 46.119. Suresh Kumar
- 46.120. Surya Krishan
- 46.121. Surya Partap Singh
- 46.122. Surya Pertap Sahi
- 46.123. Swami Chinmayanand
- 46.124. Swami Dharam Das
- 46.125. Swami Janendra Pershad Kanchi Peeth
- 46.126. Swami Pariraj Ji
- 46.127. Swami Ram Das-Haridwara
- 46.128. Swami Ram Surat Sharan-Golaghat
- 46.129. Swami Satmit Ram Ji
- 46.130. Swami Satyanand Ji Mishara
- 46.131. Swami Swaroopa Nand
- 46.132. Swami Vam Devji
- 46.133. Swami Vasudev Nand Jyotipeeth
- 46.134. Swami Vivekananda

46.135. Tayagi HM

46.136. Tayagi Ji Maharaj

46.137. Uma Bharti

46.138. Vasudev Acharya

46.139. Vasudev Gupta

46.140. Vijay Azad

46.141. Vijay Raja Sindia

46.142. Vijay Singh Divisional President of Shakti Dal Shah Jhan Pur

46.143. Vinay Katiyar

46.144. Viod Vats

46.145. Vishamber Rai

46.146. Vishavnath Dass Shastri

46.147. Vishnu Hari Dalmia

46.148. Vishvesh Tirath of Udipi Math

46.149. Youdh Nath Pandey

47. Muslim leaders

- 47.1. Afzar Naib Imam
- 47.2. Dr Safijur Rehman Burg
- 47.3. Habib
- 47.4. Javed Habib
- 47.5. Leaders of Muslims
- 47.6. Momad Azam Khan
- 47.7. Momad Unis
- 47.8. Mulana Irish Bastavi
- 47.9. Mulana Mazzafer Hussain Kichhair AIBMC
- 47.10. Shabudin
- 47.11. Suleiman Seth
- 47.12. Sultan Shabudin Owasi MP Hyderabad
- 47.13. Syed Abdul Barkat Nazmi
- 47.14. Syed Ahamed Bukhari
- 47.15. Zaffer Ayar Zilani

- 47.16. Sultan Shabudin Owasi MP Hyderabad
- 47.17. Shabudin
- 47.18. Suleiman Seth
- 47.19. Zaffer Ayar Zilani
- 47.20. Javed Habib
- 47.21. Syed Ahamed Bukhari
- 47.22. Momad Azam Khan
- 47.23. Habib
- 47.24. Dr Safijur Rehman Burg
- 47.25. Syed Abdul Barkat Nazmi
- 47.26. Mulana Irish Bastavi
- 47.27. Mulana Mazzafer Hussain Kichhair AIBMC
- 47.28. Afzar Naib Imam
- 47.29. Momad Unis
- 47.30. Maulana Muzaffer Hussein Kachachauri
- 47.31. Mustaq Ahmed Siddiqi
- 47.32. Advocate Zafaryab Jilani

47.33. Ms Aftaz Ahmad Siddiqi

47.34. Muhammad Muqueemud Di

47.35. Mohammad Nasir

47.36. Zakir Ali

47.37. SV Hashmi

48. Leaders of movement with no particular role except participating in some negotiations

48.1. Dr Devinder Swaroop

48.2. Justice DV Shegal

48.3. Harsh Narain

48.4. Prof RS Sharma

48.5. Prof Suran Bhan

48.6. Prof DN Jha

48.7. VK Shukla

48.8. Surya Krishan

49. People to whom no definite role can attributed owing to a complete lack of evidence against them, but who were participants in the so-called Dharam Sansad meetings.
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- 49.1. Rama Nuja
- 49.2. Acharya Purshotam
- 49.3. Acharya Ram Naresh
- 49.4. Acharya Vasudevananda AY
- 49.5. Amarjit Kumar
- 49.6. Bhata Gyan Jagat Guru Bodh Gaya
- 49.7. Brham Dev ji
- 49.8. Hari Acharya Jagad Guru Rama Nand Acharya Ayodhya
- 49.9. Jagad Guru Rama Nand Shrim Math Kanshi
- 49.10. Justice Shive Nath Katju
- 49.11. Mahant Dharam Dass
- 49.12. Mahant Gayan Dass of Hanuman Garhi Ayodhya
- 49.13. Mahant Ram Kewal Dass
- 49.14. Mahant Ram Vilas Dass Vidanti

- 49.15. Mhesh Nand Vindraban
- 49.16. Ram Kewal Dass Nirmohi Akhara
- 49.17. Rameshwar Dass Kanshi
- 49.18. Rampat Shashtri Social Welfare Minister
- 49.19. Satya Mitya Nand
- 49.20. Sawami Vidya Nand Giri Rishikesh
- 49.21. Sita Ram Saran
- 49.22. Swami Gopal Ji Paryag
- 49.23. Swami Onkar Maharaj
- 49.24. Swami Perma Nand Haridwar
- 49.25. Swami Shanta Nanda Pryag
- 49.26. Swami Vasdev Ji Maharaj
- 49.27. Swami Vivesh Teerath Ji
- 49.28. Uma Nath Singh Minister
- 49.29. Yaashvant Bhai Bhat



सत्यमेव जयते

REPORT OF THE
LIBERHAN
AYODHYA
COMMISSION
OF INQUIRY

CHAPTER 5

THE ADMINISTRATION

50. THE ADMINISTRATION

50.1. Life in civilized society requires all citizens and leaders to observe the laws, the constitutional provisions and to abide by them, even though they may not individually or in groups agree with them. The political executive, legislatures, leaders, philosophers, Sants as well as the enforcers of laws in uniform or otherwise has not only to abide by the law but to ensure that others bound by it respect the rule of law. They are bound to enforce laws and constitution or its spirit irrespective of political party, thought or manifestoes or their personal views. Executive is the constitutional pillar and the backbone of civilized society, responsible not only for the smooth running of a democracy but also for protecting the society or the constitutional and legal rights of the people. The executive is expected to protect the citizens' rights even against intrusions from the political executive, who may be guided by their thoughts and philosophies or prejudices. The constitutionally guaranteed fundamental rights, even of the single individual have to be protected and enforced against the whole world with all the strength and the resources commanded by the sovereign state.

50.2. There is no golden rule for good administration. Good management depends upon the administration being able to react and adapt to situations as they happen, and dealing not just with the problems, but also with the context in which they happen. There can be no hard and fast rule or a rule of thumb for administration.

- 50.3. The principle of rule by the government, and for the majority is subject to fundamental rights conferred and protected by Constitution. It is perfectly reasonable for a common man to assume that even if one person demands his constitutional rights, even though the majority might wish to deny it to him, the government is expected to grant him that right.
- 50.4. Secularism has to be understood from the perspective of a common man, even if a majority of them are uneducated and illiterate; and not from restrained or restricted point of view of a few educated and well read persons or philosophers or political persons.
- 50.5. The purpose of a state administration or the executive cannot possibly be to give form to the promises made by the polity during elections. The civil service was envisaged as a balanced entity, providing continuity and perpetuity of governance. The civil servants were surely not expected to dabble in politics on their own account or to ally with the one or the other political party and enforce their agenda in public life.
- 50.6. The inquiry demands an insightful analysis of the situation by weeding out the communal, institutional or other bias from the statements of the witnesses and by precluding the possibility of hindsight bias i.e. remembering the facts consistent with the desired conclusion. For the sake of practicality and brevity, there is no need to reproduce the statements of all the witnesses, especially since they are attached in their entirety as annexures to this report.
- 50.7. The administrative power to execute or enforce laws starts and ends with the laws, yet the doctrine of necessity operates to achieve the ultimate end to

sustain constitutional peace and tranquillity. It is an open secret despite the vehement denial by some of the leaders, that the political party leading the movement succeeded during in the elections in securing majority in UP and some other states and quite a large number of seats in the Parliament by making this issue its election manifesto.

51. The political climate at the time

- 51.1. The BJP claiming to the political party was governing the state of Uttar Pradesh since June 1991. The political executive consisted of none other than the members of the BJP, which is a national party. Members of BJP may or may not have been members of other organizations i.e. VHP, RSS etc. but they were bound by the thoughts, philosophies and discipline of the party *para materia* rather same as of that of RSS. As already established elsewhere in this report, they firmly supported the construction of temple at Ayodhya.
- 51.2. There cannot be a wooden or a fixed administrative formula. There cannot be any litmus test for the same. Administration, whether by the bureaucracy or by a political executive or police etc has to be tested on reasonableness, social importance, need of time, situation at the spot or all around, its consequences to follow. Administration is imperfect as all human things are. It has to alleviate all fears. It has to be transparent. It needs to be conducted according to known coherent system with the object to maintain peace, protect religious faiths, law and order, uphold constitutional rights and values, etc.
- 51.3. There is no golden rule of administration. Management, be it of mischief, or security, or enforcement of right or law, solution to dispute, planes etc is required to be made according to facts and circumstances of the situation founded on ground realities. There cannot be rule of thumb. The authorities responsible for it have to figuratively weight and balance.

- 51.4. In order to determine what, who and why was running the administration on the spot on sixth of December 1992, nothing said by any witness was taken to be granted. Learning of past is quite essential as without the knowledge of the past the present administration cannot be understood. There is no gainsaying that administration was handling extraordinary situation which assumed not only national but international significance.
- 51.5. The campaign for construction of temple was hyped and built at a grand scale not only by the political parties who became the backbone of the movement but also Sants, Sadhus and recluse, so claimed social or religious organization, who got involved, imposing themselves as the only mouth piece of particular section of society or Hindu society.
- 51.6. The administrations as well as the organizers were well aware of the ground realities and the state participation in the movement. It was affirmed by Supreme Court. In these peculiar circumstances when the state's political executive had a manifesto of construction of temple, it was difficult for administration or the executive or the bureaucracy whether to put restraint on insolence, or contain insubordination of the intensive rebellious marching Karsevaks, having the support of government/political executive. The government or its leaders were of the firm view that Mandir should be constructed at the disputed structure. BJP proclaimed that it must redeem its promises made during the election. The various reasons, factors and circumstances for arriving at the finding that the government was an accessory before and after the event have been dealt with extensively in other parts of this report and need not be repeated here.

- 51.7. The Government's participation had put the officers in a quandary who could not oppose the express wishes of the government, and who knew that following those orders was not strictly correct. It is too obvious that administration could not and did not put any restraints on the Karsevaks or on the Karseva, nor regulated it, out of fear of reprisals from the government.
- 51.8. In the ordinary course of events it cannot be accepted that administration could have been effective or that the officers with all their usual human failings, could have put a stop to the events, particularly when the government itself was mobilizing the Karsevaks. After a meeting of legislators chaired by the Chief Minister on 26th November 1992, the media reported that each legislator was asked to mobilize 10 people from each gram Panchayat. This fact was never contradicted before the question and no cross-examination was directed to challenge this, thus establishing the accuracy of this directive.

52. The complicity of the administration

52.1. It is a great enigma and defies comprehension, that when the government itself was not only participating in the movement but also leading it as well as supporting the icons and torch bearers of their party, how could they govern and deal with the situation objectively. They were supporting the national and the state political party viz the BJP and the organizers of the movement like the VHP. It cannot be suggested at all that given the context and the overall circumstances, combined with the extensive ground reports available to the administration, that the bureaucrats had not taken any stand to protect the disputed structure or prevent the ultimate events at the disputed site, or had taken any effective steps to provide any leadership to the lower level officials or protection to the citizens. No preventive steps were taken to forestall the demolition of the disputed structure nor to prevent or stop the vandalism or the spread of communal hatred and frenzy against the minority community.

52.2. It was normal expectation from administration, executive and the legislators that they are sometimes required to perform incompatible functions in order to maintain peace. It is not unknown that in this process they have to make some tradeoffs. It generates complex codes which may have innumerable principles, yet reflect on the institution's morale, political pressures operating and compromises the administration has to make.

- 52.3. It can be observed that there was a complete want of honest approach while providing security to the disputed structure. The administration not only collaborated in fleshing out the skeleton by the State Government and putting it in its manifesto but also connived and abetted in the demolition of the structure and the aftermath, to achieve the political object of political party in power of the object of its election manifesto.
- 52.4. It would not be out of place to recall yet again that the BJP formed the government led by Kalyan Singh as the Chief Minister in Uttar Pradesh in June 1991. Prior to 6th of December 1992, the Chief Minister changed the local officers of the administration holding the key posts including the Commissioner, Inspector General of police, director-general of police, district magistrate, Superintendent of police, Deputy Inspector General of police, and other officers by liberally exercising the power of transfers. Parkash Singh, the Director General of Police categorically stated that officer like DV Mehta DIG, and him, being inconvenient persons, were transferred out, while people with Sangh Parivar affiliations or political ambitions, like DB Roy, AK Saran etc, and were posted at Ayodhya despite his objections. He stated that DB Roy used to hobnob with the local political leaders at Ayodhya. Other pliable officers with particular affiliations or having a political agenda, or did not even have any experience of situations like the one in hand, were transferred to sensitive offices or post. It was well known and an open secret that AK Saran, the IG of Lucknow Zone dealing with the Ayodhya issue was close to the BJP leadership and was pliable even to the local leadership. His conduct and partiality, particularly on the fateful day

make his ties with the BJP, even though he was in uniform, unacceptable. So is true of DB Roy who was even more strongly devoted to the BJP and the Hindu Maha Sabha which was anti-Muslim.

52.5. The Commissioner of Faizabad, himself categorically admitted that he did not know about policing. It is astonishing that an officer who is legally required to supervise not only professionally but also to supervise an entire institution or an organization does not have the basic knowledge of the subject. The people who mattered in the administration, either knowingly or otherwise, having or had strong views on Hinduism and about the partition of the country and were put on key post especially. They also had the political ambitions as revealed by the later events that is when he contested election on BJP ticket. Akhilesh Mehrotra SP of Ayodhya did not hesitate to coin and put forward incredible, blatantly unbelievable stories like, that there was a firing from the house of Muslim on the 6th of December. I can observe here that he evaded all inconvenient questions about undisputed facts during the course of examination.

52.6. DB Roy patently described the crowd to be present at the disputed structure in July as well as on the crucial day; the frenzy, emotionally surcharge of the religious fanatics as peaceful. This was not only a blatant lie but a deliberate attempt to mislead with the intention to further the political agenda of the BJP. AK Saran, the senior-most police officer not only deliberately visited Ayodhya just once despite the gravity of the situation and the judicial restraint on any demolition or construction at the site. He neither responded nor reacted on the 6th of December 1992, not even when the provocative and

emotionally charged slogans were being raised and speeches made at Ram Katha Kunj with a view to create an ambience of hatred towards a particular community. He did not give any orders nor took any steps to stop the vandalism and the demolition. He did not even reach the Ram Katha Kunj where the only available public address system had been installed. He never approached the leadership with a request to take any steps nor suggested any means to end the destruction. He failed to prepare any plan for the security beforehand or even to acquaint himself with the past happenings at the disputed site or to consider the implications. These lapses are inexcusable for an officer of this rank. He did refer to one solitary traffic plan which he said had been operationalised on the 6th of December but failed to produce it before me despite numerous opportunities given for that reason. His intermixing with the local leadership of the temple movement is clear. However he neglected to create any sources of intelligence amongst the Sadhus or Sants or the karsevaks. I cannot refrain from observing specifically that the officers like AK Saran, DB Roy, SP Gaur, RN Srivastava etc. were in fact not merely officers of the government as they posed, but really the representatives of the political party in power and of the organizers of the movement and the political executive and charged with the task of promoting and achieving the promises made by the RSS, VHP, Bajrang Dal etc. for creating a Hindu Rashtra.

- 52.7. Kalyan Singh made a sweeping statement that the transfers were made in the course of administration. It does not appear to be so in case of transfers of the complete administration particularly connected with Ayodhya

administration or district Faizabad. Merely stating that officers were put on the posts they deserved cannot be accepted, especially in view of the statement of the DGP before the commission. Equally telling is the Commissioner's admission that in 1990, the police and administration were hostile to the Karsevaks and vice a versa, while in 1992, the police and administration were neutral and rather friendly particularly when the organizers or their party were partners in the government. The State Government tacitly used to affirm the claim of the protagonists of the temple movement that the government of the state of UP of the time was of them, by them and for them further, though other subordinates accepted and asserted that that the instructions issued orally or otherwise were compiled and kept in the form of notings in their official record. No such record was produced before me. I find truth in it as in the ordinary course of the process of governance, it is an accepted norm.

- 52.8. The Chief Minister had assumed all the powers to transfer in or out officers etc, in his own hands. In addition, he also took direct control of all issues or matters connected directly or otherwise with Ayodhya. All powers converged in these single hands. He made full use of this unregulated power. He neither had any such delegated authority nor in fact or in law or otherwise was it so delegated to him. The local administration was given instructions from time to time to comply with the decisions taken at the highest level. DGP police, A.K. Saran IG, UC Vajpayee DIG as well as by the commissioner of Faizabad admitted, that oral directions used to be given to the local

administration from time to time without any record being maintained of the instructions or orders given.

- 52.9. It would be expedient to note the facts or the inferences emerged on prognosis of the statements in the context of the administration on the spot on sixth of December 1992. It would be unnecessary to reproduce their statements as the same are set out in full with the report. In September 1992 UP government declared, as long as the land is in the custody of State Government, no construction would be done over it. Rakesh Sinha stated *“Entries were being regulated by the Karsevaks and not by the police”*. He stated that there was no arrangement by the government for maintaining law and order outside the Ram Dewar as well as inside Garb Grah much less in Ayodhya or Faizabad. Even those forces present were told not to use force towards the Karsevaks or the other organizers. The reputation of the PAC was prejudiced with respect to the temple construction movement. There were no hurdles in the way of the Karsevaks or others’ passage to Ayodhya or the Ram Janambhoomi Babri Masjid complex at Ayodhya or the disputed structure, at any place or point between Faizabad and Ayodhya. He claimed to be close to Vinay Katiyar and Laloo Singh MLA. Raman Kirpal stated that the, “RSS along with the police was manning the security.” DD Gupta stated, “The administration and management of the Karsevaks was being run by the callers of Karsevaks.” “Contingency plan was only discussed on fifth of December 1992 - only point was deployment of force.” “no crowd control management was discussed” Swami Shakshi Ji Maharaj who claimed to be related to the Chief Minister, though this relationship was denied by the

Chief Minister, said, “arrangements were made by VHP, RSS for the security of the disputed structure and to ensure that the people do not go towards their side - Swayam Sevaks of RSS in half pants were deployed on the side way from where crowd was likely to come, in order to stop them though they were in addition to state and central forces. No constabulary was seen there and there were specific instructions not to use the force. “The RSS volunteers handled security arrangements and the entry and exit were regulated by them. RSS volunteers were controlling the situation and making its arrangements for food. They were looking after discipline in the camps and it was a voluntary discipline. Meeting used to be held in Janaki Mahal Trust in the evening and the decision used to be announced at Karseva Puram through public address system which was undisputedly with the organizers of Karseva - no other system was installed by administration”. It was asserted by Abdullah Nasir in newspapers³⁰¹ that police was posted at Ram Sahi bridge to stop the peace march, which was carried out in practice at the spot. Whereas the workers of the Bajrang Dal were at the Lohia Bridge and allowed to do the same there. Since there was neither any contradiction, nor a challenge to the fact in cross-examination, it would be reasonable to accept the fact be true. NC Pandhi stated, *“on 6th December 1992 local administration has deployed RSS volunteer without making them special police officers - there is nothing known whether security of the structure was discussed between the State Government & Sangh Parivar - on 5th December 1992, 500 Karsevaks took part in rehearsal. The rehearsal was entirely by the organization that is VHP.*

³⁰¹ See CW 20/10

Administration or the police did not participate in rehearsal. Administration was not even aware of any announcement made about rehearsal". Peeyush Srivastava admitted that, "There were no restriction regarding the pitching of tents etc for them and their arrangement for staying by administration". The then DGP Parkash Singh stated the SSP and IG were mixing up with the local politicians of BJP and Bajrang Dal, that is, Vinay Katiyar and others. Barriers were removed under the orders of Chief Minister under the pressure of Vinay Katiyar, Ashok Singhal, and Braham Dutt Dwivedi etc. Vinay Katiyar of Bajrang Dal etc asked for the removal of barricades and barriers by 15th of November 1991 and when the same was refused, the DIG was transferred. Mark Tully said that, "security arrangements were totally inadequate. Police made no effort to prevent people from coming into open front of Babri Masjid - it was only the various Hindu organizations people who were preventing unauthorized entry - it was obvious that anybody coming into the area will be in a position to go to the disputed structure itself - there was no attempt by police to restore law and order. Police arrangements collapsed and they marched to the right hand side of the mosque. In the whole town there was no effort on the part of the police to establish authority."

- 52.10. Commissioner Faizabad admitted that, "Volunteers of organizers were assisting the administration in managing crowd and other arrangements." He admitted that crowd control is usually a part of security arrangements." Acharya Dharminder Dev admitted that the police was neutral, which could also be seen in the video cassettes. He refused to produce the video record by contending that he was not able to locate. Prabhat Kumar accepted that RSS

workers were standing and carrying out the administration or were organising the crowd etc in Ayodhya or in the Ram Janam Babri Masjid complex at Ayodhya. The building of infrastructure and the erection of wooden barricades around the disputed structure was carried out by the RSS through its Swayam Sevaks. RSS was manning the security on sixth December 1992. They gave resistance to the unwelcomed or the one's not permitted to go to Puja Sthal or the intruders. Intruders attempting to reach the Puja Sthal were resisted by RSS Swayam Sevaks. Later RSS Swayam Sevaks physically overpowered and removed the intruders from the spot. Police was silent and remained a mute spectator. RSS Swayam Sevaks were deployed as organizers especially at disputed structure and all around in the country for the movement. Reference may also be made to the statement of Mark Tully, AK Saran, Prabhat Kumar, Rakesh Sinha and DW 15/19 etc.

52.11. State sanctioned 21 Lakh for food and other arrangements for Karsevaks.

53. The prohibition on use of firearms

- 53.1. Chief Minister on his assuming the office administratively took all latent and patent measures or steps, orally or otherwise, to ensure that no force of any nature was used against Karsevaks or leaders or the organizers and protagonists of temple construction movement or the Sants, Sadhus, Sants, and if one may say, the Sangh Parivar. Chief Minister Kalyan Singh directed against the use of force against Karsevaks or leaders or the organizers and protagonists of temple construction movement or the Sants, Sadhus, Sants. In July 1992 he ordered to get the orders of the court for stopping construction obeyed by persuasion.
- 53.2. In December Chief Minister ordered in writing not to open fire on Karsevaks etc in any eventuality. Requisitioning the paramilitary forces after getting permission from the government in December 1992 i.e. the Chief Minister, pointed out that the administration did not have even the authority to act or discharge its statutory obligations without formal orders from the government to requisition paramilitary forces in case of need. The conduct of the administration in totality shows that they had completely surrendered all statutory power and discretion to their political executive.
- 53.3. Anju Gupta stated that call for Karseva was given by LK Advani, MM Joshi and Vinay Katiyar and Ashok Singhal etc. She further stated that in a brief meeting on 5.12.1992 taken by AK Saran IG, measures required to be taken in the eventuality of attack/ assault on disputed structure were discussed by

Haridas Rao and CK Mullick. She said that the route of the leaders to whom she was escorting was altered by Vinay Katiyar. Paramhans Ramchander Dass admitted crowd management during the religious festival was done by the administration, no other organization takes it on exclusively. She stated that 50 people of Bajrang Dal were doing so yet in view of the fact admitted by the all witnesses as well as by the administration and the organizers that RSS workers (Swayamsevaks) were deployed for it; no further observations are required on it.

53.4. The bureaucracy, Administration, political executive or any other institutions of governance or administration in UP were not only a mute spectator, but they collaborated with the political executive and permitted it to do whatever it wanted to achieve their election manifesto. It cannot be denied that temple construction was the political agenda of the BJP, the political party governing the state at relevant time. It was corroborated by Godbole Home Secretary of India.

53.5. The civil servants who appeared before the Commission were reluctant even to corroborate the undisputed facts which had been clearly established or admitted, such as the raising of provocative slogans, delivering provocative speeches etc. It was observed in the Bahri Commission's report too rather I can say it was affirmed it as a fact by it too. Various parties including the Central Government and Vinay Katiyar etc emphatically and specifically relied upon the findings in the report or the observations made by the commission on the common evidence before the both commissions. The

delivery of provocative speeches and provocative slogans being raised had been admitted before him apart from the findings arrived at by him.

- 53.6. It cannot be denied that there was no restraint in the language of the speeches or in provocative slogans or during press interviews etc. The slogans and intemperate language was even videotaped and produced before the Commission. Swami Chinmayanand, even after giving an undertaking to the Supreme Court, incited the Karsevaks by saying that the undertaking was only meant for satisfying the Supreme Court. Such instances and the slogans are well reported in the media and were accepted before me the Commission as well. The administration took no action in such a blatant case of defiant attitude and preventing ridicule of the Hon'ble Supreme Court.
- 53.7. Parkash Singh DGP, on a question posed by the Advocate General admitted that the forces are affected by these utterances and discourses and consciously or subconsciously are prejudiced. There cannot be any dispute again that highly emotional and provocative religious speeches during the course of the so-called attempts for awakening the injured feelings of Hindus by referring to the history of hundreds of years were made to politically awaken and unite them. Still the administration did not take any steps to contain them either at Ayodhya or at any other place. The administration or the organizers put no restraint on anybody from making provocative speeches or slogan raising, rather have knowingly either supported them or gone to an extent of wrapping them under a veil by even acknowledging their being raised.

- 53.8. Ashok Singhal and VHP leadership refused to obey the High Court's orders. They challenged even the undertaking given by the Chief Minister Kalyan Singh to the Supreme Court by saying who is Mr. Kalyan Singh to give an undertaking for symbolic Karseva? He said that the undertaking was given by the Chief Minister for symbolic Karseva was to avoid conflict. Acharya Dharmendra Dev who claimed that Government was theirs and further said that we will not follow the discipline of Government but shall follow literally the discipline of Sants. They participated in the construction of Chabutra while star propagator of the movement Swami Chinmaya Nand Ji and Vijay Raja Scindia gave an undertaking to the Supreme Court for the compliance of its orders and symbolic Karseva to be carried out. On the other hand they too were exhorting the Karsevaks for construction of temple at the disputed structure etc. Swami Chinmaya Nand Ji stated that the undertaking was a paper and for Supreme Court only.
- 53.9. Reminiscent of various stand taken by various leaders be it Chief Minister, be it Ashok Singhal, be it Dharmendra Dev, be it Paramhans Ramchander Dass, be it any other leader without reproducing the statements in detail as they are attached with the report, it would be reasonable to state that all took defiant attitude with respect to stay though reasons or articulation for violating the same was made differently.
- 53.10. There were declarations of Shiv Sena and even reported meeting of 28.11.1992, wherein the key figures of the Shiv Sena participated and declaration was made which was published in the media that whatever others may do but the Shiv Sena would perform the actual Karseva. The facts of the

meeting as well as its contents were reported by intelligence authorities; the government was also informed by the local administration. Neither the administration nor the state took any preventive measures. No person was arrested.

53.11. Champat Rai publicly proclaimed that guerrilla strategy would be adopted on 6th of December 1992. The administration still took no action what so ever, for such a defiant provocative declaration which heightened the ambience of tension. The inescapable fact that emerged was that the administration was almost at a standstill. It can more aptly be concluded that in fact there was no administration.

53.12. The dilution of security was carried out since 1991, by levelling, removing of restriction on movement in Ram Janambhoomi Babri Masjid Complex thereby allowing free movement under political pressure, removal of checking barriers between Ayodhya and Faizabad, superficial frisking, no control over the number of the Karsevaks entering cordons, reducing of height of security wall by placing earth and making easy for Karsevaks to scale the wall by jumping and reach the disputed structure. The bureaucracy projected that these changes were taking place under political pressure despite their objections at every stage. Praveen Jain stated that security was changed at Ayodhya by administration by denouncing it as having been done under political pressure in spite of the objections of the bureaucracy, conveyed at every stage.

53.13. There were no arrangements made by government for maintaining law and order outside *Ram Deewar* as well as the inside of it except *Garb Grah*. There was no arrangement at the points of hurdles. There were no hurdles between Faizabad and Ayodhya. Reference may be made to the statement of CK Mishra who claims to be close to Vinay Katiyar and Laloo Singh MLA. Paramhans Ram Chander Dass admitted that crowd management during festivals used to be made by the administration alone. RSS workers were deployed for management on 6th of December 1992 which was not a festival, for the karseva. Bureaucracy and administration in UP was a mute spectator which permitted political executive to do what they wanted. There was no reliable evidence on record that any effort was made by administration or police to establish authority in Ayodhya. All arrangements were made by RSS and Karsevaks or the organizers.

53.14. Administration provided only nominal security arrangements even with the full knowledge of the nature of the crowd assembling, or the ambience of religion built by assuming an overly optimistic approach bereft of lessons from past experience. There was an absence of *bonafide* for providing security to the disputed structure. There was complete lack of man power to control the huge crowd with no known centralized leadership. There were no routes provided for escape from a possible stampede. There was no alternative route provided for the access by the security forces in case of any urgent need. There was complete lack of division of crowd for management especially the crowd predominantly of Karsevaks incited by the leaders of movement. Only

insignificant number of pilgrims may be present though there is nothing on record about their presence.

53.15. Four distinct types of karsevaks were present there. One being demonstrative or conscience of publicity, media savvy, conscious of public attention. They were seen hammering at the domes, hoisting flags or dancing or demonstrating before the television interviewers. The second kind of Karsevaks were constituted of skilled workers who knew their job and carried it out efficiently. Their object was the pulling down of the disputed structure in a preplanned manner. They knew their methodology of pulling down the disputed structure by demolition of the walls under the domes. Thirdly there were the Karsevaks who kept the police and administration at a distance by throwing brick bats and missiles etc. Lastly there were the persons who created emotional tempo by raising various slogans, and chanting bhajans etc thereby exhorting Karsevaks. They in the course jeered and booed at the Courts orders.

53.16. There is nothing on the record that the administration ever directed itself to deal with them at any point of time. Distance to the disputed structure, and the object of hatred and the whole dispute or the movement was scrupulously ignored, though the crowd was of frenzied karsevaks.

53.17. Disinformation, propaganda, speculations and rumours were allowed to go un-rebutted. No conscious effort was made by the administration for meeting them at any level. Admittedly, the administration played no role in the stay or housing of karsevaks, as corroborated by the DGP S.V.M.Tripathi

as well as the DIG, who accepted that accessibility to disputed structure was a relevant factor for security. Accessibility was eased for the crowds at the insistence of Vinay Katiyar, Param Hans Ramchander Dass and Ashok Singhal etc. who enjoyed the powers of the Chief Minister himself, as his extra-constitutional delegates. The barriers were removed from time to time at their instance. There was not even a semblance of resistance from police or anybody else to the Karsevaks running amuck. It appears that till the demolition was over, administration was run by fanatic organizers of the movement and the Karsevaks as if there was no government or state or administrative control at the spot, or in Ayodhya or in Faizabad. From a sum total of the facts, it emerges that the state intentionally allowed the protagonists of the movements and the Karsevaks to run the administration and to govern Ayodhya and Faizabad for all practical purposes.

53.18. Bureaucrats as well as the political executive admitted to have gone through the records relating to security as well as the disputed structure apart from various incidents having taken place prior to 6th December 1992. Despite of it, or reasonable inference reachable from them, there was no sensitization either with respect to security or the communal approach to the disputed structure. There were no attempts to familiarize with, or secure information or details or the secret plans worked out by various outfits supporting the construction movement as it used to be worked out in 1990.

53.19. Taking notice of usual prevalent view in the public, keeping in view the conduct of an ordinary prudent person, the administration and police was alive to ground situation yet they adopted the attitude of appeasing the

political executive in executing its agenda or manifesto for construction of temple.

- 53.20. Gathering of Karsevaks was an unforgettable show. It was setting a stage for extraordinary events to follow. The administration and officers present there, for the reason best known to them, irrespective of their fields of work or expertise in any field, intentionally conducted themselves in a manner bereft of far sight or foresight. They reduced the administration to shambles. They allowed the situation to drift to such an extent that on the 6th December 1992 no administration or any will for it was left with the state to administer. It was sheer intentional mismanagement. It seems too obvious from the shambles administration found itself as well in the absence of any preplanning for crowd management or general planning required for such a sensitive event. It appears, the chaotic situation and administration in shambles was carefully cultivated by executive, ministers and the police in view of the past, present, frenzied feelings, local disturbances, nefarious activities, frequently happening of events with the spirit of revenge on the part of people collected with growing spirit of disobedience and display of disloyalty of workers towards their leaders. People at the helm of affairs, be it administrators of political executive never addressed themselves to it. The administration deliberately allowed itself to be sidelined, bypassed, emasculated and rendered irrelevant. They played brinkmanship under the greed of obliging political executive, government, or the political party in power.

- 53.21. Charles Mackay, the 19th-century Scottish journalist observed, “*men go mad in herds but only come to their senses one by one.*” Gutstav Lay Burn said, “*By the mere fact that he forms part of an organised crowd, a man descends several rungs in the ladder of civilisation. Isolated, he may be a cultivated individual; in a crowd, he is a barbarian – that is, creature acting by instinct*”.
- 53.22. It is a well known principle of administration that crowds are lead on by ring leaders and active members who are spurred into action. The active members or leaders smart under a real or supposed grievance. It is they who are volatile. They are the sensitive group. Ring leaders or managers or leaders of the crowd can lead them into the violent action or lead sensitive group for doing volatile acts.
- 53.23. Administrative officers present, especially the local ones or those not present but who were associated for administration at Ayodhya or the UP state were required and were expected that they study the mob psychology, leaders’ nature or conduct and the nature of issues and then only take administrative measures. There is nothing on record or even a reference that the administration or the government was alive to all these factors while claiming to provide the infrastructure in making administrative arrangements for Karseva on 6th of December 1992. The administration failed abysmally in its duties. Administration intentionally fulfilled the objective of the ruling party which they had put forth in their election manifesto.
- 53.24. Bureaucracy, police, administration, political executive, legislatures, media, even a common man was alive to the militancy as well as the frenzied nature

of the crowds which used to gather at Ayodhya especially after 1990. Yet, no substantial steps were taken for smooth administration, much less ensuring the security, particularly in view of the contradictory stand taken by the political executive, as well as the party governing the state. That is, on one hand proclaiming for providing security to disputed structure on the other hand Chief Ministers along with his Cabinet colleagues of BJP governed states were leading mobilization of Karsevaks for construction of temple which inherently includes demolition.

53.25. Chief Minister Kalyan Singh on his visit to Ayodhya to pay obeisance to Ram, the accepted incarnation of God, on his taking over as the Chief Minister UP, participated actively in raising slogan to the effect, “*Mandir Yahin Banyenga.*” It reassured the resolve of BJP party legislative wing as well as political party etc to construct the temple at the disputed structure.

53.26. It may be expedient to note that the then Chief Minister Kalyan Singh held a meeting of ministers on 26th of November 1992 and asked for mobilising Karsevaks at least 10 people from each Gram Panchayats. It will too obvious that when the government itself was mobilising and asking the people to participate in Karseva, the administration and its officers with all human failings could not stop or put any restraint nor administer with any tough effective posture³⁰².

53.27. A feeble attempt was made to explain this conduct by the organizers by putting forth a theory that temple was to be constructed without the disputed

³⁰² Reference may be made to the office record file 15 (200) 51 -- D. /92 page 122.

structure which in fact in practice was never so declared either earlier or till 6 of December 1992 and demolition of the disputed structure, nor it was so understood either by the Karsevaks or all the organizers of the movement or the Sangh Parivar nor it was so observed by anyone present at the spot. It was not there even when the logistic for Karseva was being worked out on second of November 1992. Had it been so, the proceedings of the meeting held on second of November 1992 at the headquarters of RSS in which all the icons of movement and important leaders participated, would have been produced before me, especially when KS Sudarshan accepted that the proceedings were recorded and would be produced which in fact were never produced.

53.28. In fact there was no such decision, that the construction of the temple would be carried out without demolition of the disputed structure. It was an attempt in futility to explain an obviously embarrassing situation.

53.29. Oral orders were given by the Home Secretary about arrangements and facilities for the crowds even during usual functions and festivals like Kumbh while none were forthcoming for the events of December 1992. Undisputedly all arrangements like food and transport was arranged for the 6th December 1992 by the governments of the states governed by BJP, while in 1990 no such facilities were provided. V.K. Saxena admitted that oral directions used to be given. It lends credibility to the speculations that the administration was taking no effective steps for the security. It was only going through the motions.

- 53.30. Loopholes in the security were admitted. The cause attributed for them was of not getting the correct intelligence reports and feedback by the administration.
- 53.31. The quantum of force deployed, place of deployment and other police arrangements were not even remotely proportionate to the crowds admittedly present or likely to be present. The number of Karsevaks expected to participate in Karseva was easily predictable. The administration was seemingly oblivious to the nature of the crowd, past history, past conduct of crowd, declaration of leaders of the movement about the construction of temple, denial by the propagators of movement with respect to compliance of the orders of the Supreme Court, restraint put by government not to enforce them through force etc. The danger signals were sufficient before the event to give an opportunity to meet the eventuality and forestall the catastrophe and the demolition.
- 53.32. The administration was also totally oblivious to the topography which is obvious from the paltry force of 2300 constables. This meagre force was expected to keep patrols on the roads, round up dangerous gangs, disperse the crowds, and keep the passage for free flow of forces, while regulating the flow of the scattered Karsevaks. The reason their being scattered was best known to the organizers, which not difficult to assume i.e. they intended to out beat the security forces if need be. No appropriate steps were taken out in the town to control the rowdy elements in the streets and near the structure. The organizers too provided a totally inadequate number of workers to forestall for an onslaught of the Karsevaks toward the disputed structure or toward the

site of symbolic Karseva or manage stampede on any of the places like *Ram Katha Kunj*, disputed structure, site of symbolic Karseva or from the area within the area acquired encircled by the security wall the so-called *Ram Deewar*. A totally insignificant force was deployed between Ayodhya and Faizabad that too with virtually no equipment to deal with the large number of emotionally surcharged Karsevaks on the roads.

53.33. The administration obligingly provided easy access to disputed structure with mere superficial screening, without regulating entry either to the disputed structure or to Ayodhya. It provided access to disputed structure by scaling security wall, by levelling and putting earth near the wall, thereby reducing the effective height of the security wall which was already kept low, and by putting no hurdles for entry.

53.34. Most damningly and demonstratively, the administration even handed over the security and discipline of Karsevaks to the organizers. The police's lack of sensitivity and in some cases outright hostility towards the members of the Muslim community as such, combined with the policy of non-interference in the activities of the majority community helped in achieving the object of unlawful construction by the *Sangh Parivar*. It not only allowed the Karsevaks to take the law into their own hands, but also made them believe that the police or the administration was there to protect them more than to provide the security to the disputed structure. Their belief stood affirmed when slogans like, "*Badi Khushi Ki Bat Hai, Police Hamare Saath Hai*" were raised and the police took no steps to counter it all contain them. The conduct of the administration and the police generated a free-for-all environment.

53.35. The assistance of the paramilitary forces was not taken at the appropriate time and the offers for help were rejected for flimsy reasons, coined especially for the purpose. The stand taken by Kalyan Singh that the Central Government did not offer the services of the paramilitary forces; or that there was a likelihood of conflicting administration or dual control cannot stand scrutiny. The averments or the declarations made by the Chief Minister attributing to the Central Government the creation of a warlike situation or provoking a conflict between state and central forces because of their being stationed in UP without the consent of the government is a figment of the mischievous imagination meant only for the consumption of gullible people and the public. The Chief Secretary categorically admitted having received a message placing additional forces at the disposal of the state for deployment in Ayodhya on the requisition by the state for the purpose. So far the objection with respect to their control or dual control is concerned, this was merely an excuse, one not even worth considering. The central forces were already working under the control of the state not only in Ayodhya but all over the state. It was too obvious to the State Government and its officers that as and when central forces were to be deployed in a state they have to be statutorily under state control and are deployed only with the consent of the state and for the purpose it directs. Even in Ayodhya, the CRPF was already deployed in isolation cordon with no such problem being there. The objection of their stationing without the consent of the State or attributed imagined misconduct was the excusals for not deploying of independent force having no personal interest in state administration or state interest in view.

- 53.36. Admittedly in spite of the demolitions and damage to graves and other religious places of Muslims, no arrests were made nor any inquiry conducted. The fear of retaliation was put forth as the reason for this, which cannot be accepted. Another reason given was that no complaints were made by the Muslims when it is a known fact that a minority community surrounded by a frenzied crowd could not possibly lodge a complaint for the fear of retaliation.
- 53.37. It has been accepted by one and all apart from it being a normal factor, which was further affirmed by an expert witness like Parkash Singh DGP on the asking of the Advocate General U. P. that forces are affected or carry or inherit consciously or subconsciously the prejudice, be it religious or otherwise, generated by the statements of important leaders be they be religious or political or otherwise from time to time. He further pointed out that PAC already enjoyed a reputation of people having the caste, or religious or communal prejudices as the members of the force. PAC's reputation of carrying prejudices and bias against the Muslims by some members of the force was affirmed by Madhav Godbole Home Secretary of India, Home Minister of India SB Chavan, VP Singh and Chief Minister Mulayam Singh. The fact was denied by Prabhat Kumar the then Home Secretary of UP which carries no conviction inasmuch as despite his being Home Secretary of the State, he had the cheek to deny even the existence of a communal cell in the state of U. P. though factually it being there under his charge alone. Factually too highly emotional provocative religious speeches were made, provocative slogans were raised, and innuendo references to a particular religion were made.

53.38. The organisers termed these as an attempt to awaken the Hindu feelings referring to the hundreds of years old history. Speeches were made by both the rival claimants targeting each other's religious feelings hyping the communal feeling and injuring the sentiments of each other with impunity. Administration of the State had not even made figurative attempt to control them either at Ayodhya or Faizabad or anywhere else in the State. The local administration was hobnobbing with the political leadership be at a state-wide level or at the local level. This fact was corroborated by V.K. Saxena³⁰³ and Parkash Singh DGP who specifically stated about postings at the instance of the Chief Minister, especially referring to the posting of SSP DB Roy; whose prejudice is writ large on his post event conduct like contesting election on behalf of BJP and later joining Hindu Maha Sabha which has a well-known reputation as a Hindu organisation.

53.39. The denial by the SSP of his not being biased cannot be accepted to be truthful particularly when he had not felt shy in his attempt to deny a simple fact of his day to day communication with the Chief Minister in order to give an appearance to his independence while discharging official duties in accordance with constitution. He denied his meetings or day to day communication with the Chief Minister who categorically accepted that they were in communication on a day-to-day basis.

53.40. Parkash Singh the then DGP stated that the Chief Minister used to ask Dwivedi in meetings, "*Dwivedi Ji Aap Ka Agla Bindu*". As things used to be put on the official record, which used to make the officers uncomfortable and

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keep objectivity in the dealing with the officers present would ensure that the minister or other person chairing the particular meeting was not annoyed. This specific aspect has been solicited from the witnesses by the Advocate General of UP appearing before the commission. Objectivity of the administration in dealing with the situation by administration was lost. In other words, the officers or bureaucrats would keep the objectivity to an extent till the Minister was not annoyed or disappointed.

53.41. The crowd collected there was not under the discipline of any one particular group, leader, and organization although their objectives had been clearly told to them and they were specifically following the orders of their respective leaders. Administration in spite of its accepting its duty to maintain discipline of the crowd, had no will to do so in view of the political will found wanting; and their agenda of construction of temple despite their declarations of the protection of the disputed structure which in fact they never intended.

53.42. It cannot be disputed that Karsevaks were mobilized for the construction of temple, their emotions were built in by emotive speeches of all kind of leaders be a political, social, religious or the ones aspired by the caste as well as the declaration made by them publicly irrespective of their intentions or desires or the manner of achievement of their motives be it known or hidden for the final day. People gathered there aspired for the construction of temple particularly conscience of the claim of the government and the political administration of the day, that they have come into power on emotional ploy or manifesto of construction of temple and their stability depended on it.

54. The general psyche and the perceptions

- 54.1. A psyche was generated by word-of-mouth, supported by the absence of any effective farsighted deterrent action by the administration or police or the political executive or government as on the earlier occasions which emboldened the Karsevaks to run amuck on the spree of destruction and demolition with impunity with a feeling of aggrandisation of their acts as heroic. They were encouraged by publicly known fact that the chief ministers directed the administration not to use force on the Karsevaks. The facts are corroborated from the conduct of the administration in not implementing order the Supreme Court in July 1992 and adopting only an attitude of attempt to persuade the local leadership and the Karsevaks to comply with the orders of courts refraining from carrying out construction. It resulted in gathering of uncontrolled, undisciplined crowd which furthered the demolition.
- 54.2. Undisputedly the Karsevaks present in Ayodhya in July 1992 refused to comply with the directions or orders of the Supreme Court. The UP Chief Minister directed the administration to ask Karsevaks to comply with the courts orders by persuasion only, devoid of other methods i.e. by force. Specific directions, initially latently and then patently, were orally given by the Chief Minister to the DGP not to use force against the Karsevaks. He in the meeting taken by him of high ups of administration directed them to remain in touch with organisers. Similar orders were given to the local

administration. Government of UP disowned the responsibility to stop the Karseva in July 1992 and brazenly stated that they were not aware who was doing the job. No one has contradicted the stand of the Government. Rather they took the stand that to stop the would lead to communal tension and arouse passions, which in my opinion is a well thought out, self created and parroted assertion or defence, taking a hint from the note of KK Nayyar who had sown the seeds of discord between the two communities. The fact is clear pointer of the Government's connivance with the activity of the Karsevaks for violating the Supreme Court orders and proceedings. It has been accepted in the official noting that the coordination between the IB and state forces completely broke down³⁰⁴.

- 54.3. Though the administration was not legally subject to the orders of local leaders or higher persons in the hierarchy of the administration, yet the powers of administration were fettered, when in exercise of a statutory powers the District Magistrate who was statutorily authorized to requisition paramilitary forces in case of need, could not do so without the prior permission of the government and the Chief Minister. This is too obvious from the happening of 6th of December as despite of highly placed officers present on the spot gave neither any order nor took any action. Rather, prior permission was sought from the Chief Minister to requisition stationed forces, whose stationing was even objected, and the State Government refused to use Central Government forces as offered to the State. Emphasis may be laid at this stage on the fact that insignificant forces were deployed to

³⁰⁴ Reference may be made to DW-13/30.

control the frenzied crowd as was well known to one and all i.e. the entire world. The orders are by itself contrary to the basic principles of administration i.e. fear psychology of the state.

- 54.4. No action was taken against persons like Paramhans Ramchander Dass in spite of his defiant attitude. He specifically admitted that notice of court orders were not accepted and further asked the local administration to ask each individual Karsevaks who was working there or present to stop construction. Just later the same leaders stopped the Karseva and the Karsevaks were made to comply with the Supreme Court order when the Prime Minister was given time to negotiate, who had asked that the karseva be stopped.
- 54.5. Chief Minister or the high ups, and the administration were advised to remain in constant touch with the organisers and not vice-a-versa. The officers concerned were required even to have formal order of the Government i.e. to requisition paramilitary forces in case of need for which they were statutorily bound to act in their exercise of independent administrative decisions. It was admitted to be a handicap with the police. Chief Minister had taken a stance not to utilise the services of the paramilitary forces till 12.30 on 6th of December 1992.
- 54.6. Formal order of the Chief Minister were sought to deploy para military forces, only when the situation totally went out of the control as intended which was kept not only hidden but was wrapped otherwise. The bureaucrats, police, administration, executive and the officers not only denuded

themselves of their independent statutory powers but also surrendered them to the Chief Minister or the political executive. There can be no second opinion that the political executive of the relevant time was of non else other than the protagonists of the temple construction.

54.7. It cannot be said to be a mere coincidence that the wall stated to be the security wall was in fact the boundary wall of the proposed temple and was passed on to the people as *Ram Dewar* by the government (security wall built with ornamental stone work), thereby not only leaving it to the people to infer that it was built by the Government for the temple but was expressly stated to be so by BJP leadership like Bhandari.

54.8. The leadership of the movement, officers of the then government as well as the government itself apart from the local administration either expressly or otherwise made known that the construction of security wall was beginning of the construction of the temple.

54.9. The apathy of the local administration was visible. It declaimed any knowledge of the formal rehearsal of symbolic Karseva carried out on 5th of December, much less of those participating in it. RSS workers were deployed by the local administration without there being any discussion with respect to security between administration and the organizers. It was further corroborated from the fact that the Home Secretary in November 1992 on paper suggested for keeping of communal harmony and prevention of rumours, steps to be taken on noticing of small incidents or meetings, intelligence machinery to be geared up and to keep watch over communal and

antisocial elements, identification of communally sensitive places, to allow processions only with police arrangements, still no action was taken.

54.10. No action was taken even when it was evident from past conduct of Karsevaks who selectively stoned the paramilitary forces while approaching Ayodhya while PAC or civil police were never stoned.

54.11. Other fact which can be taken notice is that administration sought directions in October 1992 as to which part is to be provided security in December 1992. The officers of the State had no clear idea about the security. The government or administration had no intention to provide security as was being proclaimed or had hidden motives to allow the situation to drift out of control and to assume troublesome proportions; there was no administration or security provided in July 1992. There was no security provided before 6th of December 1992 as no instructions were issued in spite of the directions sought in October 1992. It was this facet of insecurity which was felt by Union of India and especially the lack of commitment by government officers of the state, who were not even clear as to for which part of complex the security was to be provided.

54.12. It was admitted that the temples were demolished in 1991 October with the help of the police in the acquired land. It is unimaginable, unthinkable that administration could protect or take steps for protection when it was declared in as far back as 3rd March 1992, that whether the Government stays or not temple must be constructed. The witness summoned by respondents as DD

Gupta³⁰⁵ accepts that management of Karsevaks was run by the callers of Karseva.

54.13. Uma Bharti in answer to a question whether she would be in a position to state that the entire work of management of Karseva in December 1992 was in the hands of volunteers said, “may have been”. She was not able to contradict the same, in spite of being an intelligent, diplomatic witness capable of articulating replies and avoiding direct replies. She was also the office bearer of the BJP and a part of the VHP.

54.14. The permission to media personnel was being given by the organizers; no public address system was within the control of administration, nor was the administration having their own public address system to communicate its orders to such a large congregation of people at Ayodhya. It speaks volumes about the lack of administrative grip over the situation. AK Saran has specifically accepted that things were done orally without keeping any record thus leaving much to imagination, to infer against the administration run on the spot.

54.15. Mark Tully stated that the police was a mute spectator; this was corroborated by intelligence reports. Acharya Dharmindev stated that he saw the police refusing to comply with the orders in the video cassettes but refused to produce them by claiming that he was unable to locate them. Mark Tully brought to the notice of the District Magistrate the beating of the German the TV crew. No action was taken nor was any action assured. It

³⁰⁵ DW-2

categorically shows that there was no administration being run. The Commissioner admitted that there was an understanding that media persons will not be allowed to take photographs. Video-graphing will not be permitted. The organizers and Karsevaks imposed the ban on the journalists on filming the event. Still no steps were taken by the administration to ensure that such an unconstitutional private ban is not enforced.

54.16. The Commissioner further stated that the entry of media persons on 2.77 acres in public place was prohibited by the organizers. It was the organizers who were permitting people to come anywhere they liked or stopped them, which was otherwise the duty of the administration who conspicuously denuded itself from it. The journalists were physically removed in presence of policemen, by the volunteers or organizers from around the disputed structure. For such a major incident at such a large scale, synchronized with the timing and taking place at different spots noticed by one and all, the leadership, the organizers, the witnesses including the leadership has not only pleaded amnesia but came forward without any reservation to say that they did not know about any such incidents having taken place though they came to know of such things through the media.

54.17. Reference may be made to the statement of KS Sudarshan, Uma Bharti, and Vinay Katiyar etc. The administration being run by organizers is corroborated from the fact that Mark Tully made a request to KS Sudarshan, not to trouble journalists which he accepted and said that he would convey the message to Ashok Singhal who would further convey it to all the places. Such act and conduct can be seen by ordinary prudent person in the

circumstances that the administration was not run by duly elected constitutional government but it was being run by the organizers Ashok Singhal, Vinay Katiyar, Giriraj Kishore, HV Sheshadri, Paramhans Ramchander Dass, and Champat Rai, KS Sudarshan, Swami Vamdev, Chinmayanand, SC Dixit, Acharya Dharminder Dev, Uma Bharti, Vije Raje Scindia, BP Singhal, Mahant Avidyanath, VH Dalmia, Sakshiji Maharaj, Kalraj Mishra, Dwivedi, Lalji Tandon, RS Agnihotri etc. and other unidentified forerunners of the movement present prior to 6th of December 1992 at Ayodhya.

54.18. There was the total abdication of the administration. On the 1st of December 1992 in Ayodhya, Mazars were demolished; which was reported to the Government. Yet from the 1st to 6th of December no steps, much less preventive steps were taken, either to arrest or to locate mischief mongers or speak to the organizers or to take any other step to forestall any such events in future.

54.19. There was not only tacit but also open support and collaboration by the administration for the Karseva. Fallacious assertions were made by the SSP, District Magistrate, AK Saran etc. who were present at the spot, projecting everything to be normal and peaceful, even as provocative slogans were being raised in the streets, and there was a great melee and none from amongst the administration or the leadership to restrain or stop them.

54.20. Many witnesses stated while trying to explain their inaction and conduct that the demolition was beyond everyone's wildest imagination; yet this cannot be

an excuse for complacency and arrogance. There was no analysis of the state or central intelligence reports and no attempt was made to collate the vast amount of factual information available at the spot.

54.21. The government and administration failed in their responsibility to gather and screen information. The Intelligence Bureau needs to redefine its role, remove the bureaucratic culture, adopt a more active approach and foster better communication. It needs to take bold steps. In this case, there is no doubt that there was a lot of information available and which could have been put to positive and effective use.

54.22. The administration of State and Centre were divided camps on the issue of security and the demand for construction of temple. There were internal fights between state and centre administrations

54.23. The Sangh Parivar, organizers, Karsevaks and the State Government had a common joint venture between them. The government had divested the police and the executive of their powers to use force i.e. firing etc., in spite of foreseeable consequences. The forces were reduced to the state of uniformed Karsevaks helping the assailants achieve the BJP's election manifesto. In totality, the circumstances laid out in this report indicate the policy of government or the political executive was contrary to duty of care of maintaining peace, protecting rights, enforcing courts' order, and to govern according to constitution rather according to the manifestos.

54.24. After sifting facts through details and seeking out and piecing together bits of information, it becomes apparent that this was a case of masterful deception and hypocrisy at its worst.

55. The concentration of executive power

- 55.1. Executive power has the advantage of concentration of power in a few hands. It makes the administrator the focus of public hope and expectations. It is well said in the maxim of Napoleon that “*Tools belong to the man, who can use them*”. The power belongs in the hands of legislators and only they can prevent this power from slipping through their fingers.
- 55.2. The ideal working of a government is well understood. One is expected to be governed by those impersonal forces which one can call Law. The executive is under law which is made by legislative deliberations. This is a part of the working of the democratic government.
- 55.3. It is the duty of a Chief Minister to take care that laws are fully observed and executed by using the executive power for the purpose.
- 55.4. In Ayodhya, the local administration was not free to do anything. All decisions were taken at the level of the Chief Minister and the local administration was not only to execute the orders of the Chief Minister in letter, but in spirit too. This was ensured through posting of officers who were either considered reliable or were sharing the view, philosophy or thoughts of the government of the time and were eager to implement the manifesto of the political party in power at the relevant time.
- 55.5. Factually and circumstantially the administration under the pressure of the political executive of the day, permitted the crowds to converge with no

restriction or fear. The overall impression was created that neither political executive nor the local leadership would lose anything by pleading and articulating the cause to consolidate Hindu psyche by using religious and emotional issues to blunt the caste issues raised by other parties.

55.6. Administration in the case in hand was not interpreting or reacting to the facts and circumstances known, but denying known facts; with a slant to establish political interest. They went to the extent of ignoring the problem until it came to an end, when it went out of hand and could not be solved even in a painful way.

55.7. I am of the view there was no effective or willing administration on the spot at all. It was a free for all, with a ring of support from the government for the protection of the Karsevaks rather than the security of the disputed structure.

55.8. The veering away of the Executive and the State Administration or the bureaucracy from independent constitutional administration is too obvious to be ignored. They were pawns in the hands of the Political Executive for whatever reasons. By their presence, acts of omission and commission, the state's highest officers endangered the security of the disputed structure and the safety of their own people. What a travesty of circumstances! The State specifically refused to take the responsibility for implementing the Court's orders. It also stonewalled the intervention of the Central Government by relying on the federal structure of the Constitution.



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REPORT OF THE
LIBERHAN
AYODHYA
COMMISSION
OF INQUIRY

CHAPTER 6
MOBILISATION
OF KARSEVAKS

56. THE MOBILISATION OF KARSEVAKS

56.1. Religion competes for its interest within the political system for available sources. The differences between religions lead to dissonance.

56.2. The cleavage between Hindus and Muslims for centuries is well known. From time to time, efforts were made to eliminate the cleavage but power hungry politicians have always come in the way. The Hindu religion is the religion of the majority of Indians. Its tolerance and capacity to absorb new religions and cultures within it is well known. Historically it is proven that from time immemorial, people belonging to other cultures or religions have come to India. They were not only absorbed but also allowed to grow and develop their religion or culture. Right to participate in governance was freely granted to them. It is in this historical background that our constitution recognised secularism as the basic fundamental feature of its structure. Religious bigotry exaggerated the cleavage by fanning the differences between the two religions, with the object of keeping a hold on one religion or the other to capture power. In the process, these bigots used Muslim minority against Hindu majority or vice versa. Religious groups further divided into castes, which is rhetoric for political power.

56.3. What triggers a riot? Each individual has his own knowledge, experience, opinion and belief about himself and those around him. When such individuals fail or are prevented from achieving desired results and goals, it

consciously or unconsciously results in their acting irrationally which gives rise to riots or aggression.

- 56.4. There cannot be two opinions that in the ordinary course of action there is always a difference, in the words and philosophies of leaders, middle class leaders, pedestrian leaders, social climbers, workers or executors. This difference, whether called diplomacy or expediency, is in fact nothing more than a self-serving process.
- 56.5. Religious feelings give rise to emotive issues. Religious intolerance or vandalism is invariably influenced by the propaganda of the perceived infidels, which is perceived to be a religious problem. Their own religious susceptibilities provided justification for physical attacks on the disputed structure, while the other religious group was obsessed with their own religious ideas and believed that their own religion alone was valid. The issue was conceived to be a religious problem.
- 56.6. Caste and religion retain their negative effect on democracy as well as social revolution. They become the focus of political mobilization at all levels of society. This is used as the vehicle for pursuit of power and group interest. It opens the political process of individuals, scrambling upwards on society's ladder. It hampers democracy and retards social justice. All over the world, race and religion are relevant and people care for these over and above all other things. It provides an opportunity to the ones, who are neither expert in any field nor in possession of any thought, philosophy or experience in governance for climbing up the social ladder, at the cost of erosion of the

social system. Caste and religion ensure and facilitate upward mobility for self-seekers. It provides an opportunity for using the administrative machinery and the police to ride rough shod on their opponents, based on caste, communalism, religion and regionalism etc. Caste and religion or regions provide an opportunity in the numbers game of democracy to amass wealth with no answerability to anyone, as they themselves are the ones governing.

57. The cleavage between Hindus and Muslims

- 57.1. The cleavage between Hindus and Muslims had been exploited even leading up to the partition of the country. Pakistan became an Islamic state; India preferred to be a secular state despite some philosophies floated about Hindutva or cultural nationalism or *Hindu Rashtra* or *Akhand Bharat* as propagated by Veer Savarkar. From time to time for political expediencies or local needs, religious fanatics in the name of religion or caste etc. have wrecked the society. The era of religious fanaticism with religious conflicts is made prevalent by interested political personalities for self aggrandizement.
- 57.2. The dispute regarding the disputed structure remained subdued for a long time, i.e. until 1949 when idols were installed under the domes. The then District Magistrate, in one of his notings dubbed the installation of idols as an illegal act, which in his opinion had put the authorities and the Government in a false position. He however perceived that removal of idols would lead to Hindu reaction and tremendous loss of property all over the country. The Hindus had decided to attack Muslim habitations. His perception proved hearsay by events post installation idols. On historical analysis and assiduously examining the events post-installation of idols, unassailable conclusion emerged that the whole issue, civil litigation remained within the realm of religion and that too confined to Ayodhya alone. Emphasis was on religious emotions.

57.3. It is well known and acknowledged that the RSS is a tightly structured organization with BJP as its political wing. Being a disciplined organisation and a staunch believer in Hindu religion, RSS ideologues or philosophers introduced Hindu religion as Hindutva. In general parlance and by the common person, Hinduism is a religion. Although courts and philosophers or leaders according to times, attempted to explain that Hindu is no religion, rather it is a way of life. However, on the face of it appears to be too literal, or philosophical or theoretical or may be as explained on logistical analysis. It is against accepted nomenclature used by common person, who categorically accepts *Hindu* as *the religion* in contradistinction to *Muslim* and *Christian*. The globally accepted concept of geographical nationalism is attempted to be substituted by cultural nationalism. The RSS preached the creation of a *Hindu Rashtra* right from its very inception. This preaching of notions or the philosophy of the RSS was accepted by a large number of witnesses. It continues to be so today too.

57.4. *Hindu* as a religion is imbibed amongst all Swayamsevaks, i.e. member of the RSS. This army of Swayamsevaks is trained in martial art by the RSS. RSS Swayamsevaks and its leaders, despite their claim as a social organization have militant attitude. The Constitution of India envisaged secularism to be the basic feature of its structure, yet the RSS harangued right from its inception, *Hindu Rashtra*, *Hindutva* or cultural nationalism. Attempts made by our seers for centuries to uproot the evil of caste from our society and system have failed till date. This is the travesty of facts and circumstances; because of the

lust for power, religion with all its negative aspects is still alive in our democracy promoting national destructive prejudices.

58. Mobilisation of the masses

- 58.1. There is no dispute that until 1980s the dispute with respect to disputed structure remained confined to individuals of Ayodhya. Further, the issue remained confined as a religious issue. Only claim made or demand raised during this period was confined to removal of receiver, right to collect offerings or possession of land etc. These demands remained confined to civil courts. There was no demand by the public at large at any forum. There is not an iota of evidence to hold contrary to this. Prof Rajinder Singh, RSS leader, Dau Dayal Khanna, Guljari Lal Nanda, the die-hard Hindus, in connivance with people with similar thoughts, started conceiving and exploiting the local dispute at a national level, may be for their selfish political needs or for advancing their old theory of Hindu Rashtra.
- 58.2. There was no mobilization with respect to any dispute worth noticing until 1983, when the local dispute got merged with the ongoing dispute about Kashi and Mathura. Imperceptible mobilization was being carried out, about the latter disputes.
- 58.3. It was only on merging of the Ayodhya dispute with the Kashi and Mathura temple disputes, somewhere in September 1984 that various *Rath Yatras* were taken out for mobilizing the people for the *liberation* of the idols in the disputed structure³⁰⁶. No demand for construction of temple at disputed site arose during the course of above *Rath Yatra*. No political party of national or

³⁰⁶ See statement of Acharya Dharminder Dev Ji.

state level got involved in the dispute in any way. It can be said that to some extent some local leaders might have used the issue for securing local votes by hyping the hidden emotions, as pointed out by the fact of District Magistrate or his wife, having contested the election as Jan Sangh or Hindu Mahasabha candidates after the installation of idols and became legislators.

- 58.4. Paramhans Ramchander Dass categorically admitted that attempts to take over possession or mobilizing the people with respect to the disputed structure met with no success until 1984. He and his associates opined that they would not succeed without the support of a party at the National level. Believers of Hinduism or Hindu organizations were requested to support the movement. It was in this context that the RSS and VHP's support was sought. KS Sudarshan stated that *Ram Janam Bhoomi Mukti Yajna Samiti* rightly sought the support of Hindu men in society, which resulted in an assurance from the RSS of its total support through a resolution³⁰⁷. He further opined that the *Rath Yatra* resulted in nationalization of the Ayodhya movement. Bringing of bricks for *Shila Pujan*, or bringing of Ganges's water were attempts on an all India basis to drum up the religious feelings. It corroborated the opinion of Paramhans Ramchander Dass. It would be reasonable to infer that the RSS and the VHP controlled by persons like Ashok Singhal, one time RSS Pracharak, kept the issue confined to a religious issue. It was in this context that the religious leadership controlled by the VHP under the name of *Dharam Sansad, Kendriya Marg Darshak Mandal* was not only involved in the movement for *liberation* of idols in 1984

³⁰⁷ CW18/14

but from time to time it was put in front of the movement. Ashok Singhal admitted that the VHP used to decide the agenda of the Dharam Sansad and the Kendriya Marg Darshak Mandal. It is VHP, which used to call their meeting. VHP used to implement and carry out their decisions.

58.5. Eschewing hazarding an opinion, on a historical analysis of events, it emerged that the RSS put the foot forward to mobilize people for the construction of temple on the disputed structure at Ayodhya. Leaders of the VHP, or BJP were associated with the RSS at one point of time or the other. I have dealt with this aspect in my report while dealing with the interlinks of Sangh Parivar. They mobilized people, by observing *Sankalp Divas* at the banks of the *Saryu* river, launching of the *Bajrang Dal*, holding of *Hindu Sammellans* at Lucknow, submitting of a memorandum to the Chief Minister for opening of locks, taking out *Ram Janaki yatra* or other Yatras or launching of *Tala Kholo Movement*. Principally and prominently mobilization through *Rath Yatras* remained confined to the State of U.P.

58.6. L.K. Advani, who later became the icon of the temple construction movement, Murli Manohar Joshi and other leaders took out *Rath Yatras* to mobilize the people to construct the temple at the disputed site. L.K. Advani took out the *Ram Janaki Rath Yatra*. It was the leadership of the BJP, a national political party, which came forward for mobilizing the people on the Ayodhya Temple issue, along with Mathura and Kashi. It challenged the Constitutional Secularism by calling it Pseudo - Secularism. Various theories of Conceptual Secularism were floated. Then commenced the exploitation of

communal and religious feelings. It gave impetus to the division of the society already rising day in and day out, on caste and regional consideration.

- 58.7. Muslims gave a helping hand to the challenge of the *Sangh Parivar* for construction of temple by constituting the *Babri Masjid Action Committee*. They started asserting the counter theory of awakening of Hindu consciousness. Competitive mobilization by protagonists of the construction movement, countered by the religious leadership of Muslims commenced in real earnest. The Muslim leadership started attributing motives to the movement for construction of temple as a political issue. The mobilization and consolidation of Hindu society on the premise of religion in a caste ridden emotionally religious society started firmly holding ground, broadening the religious cleavage. By challenging the Muslims loyalty or patriotism or nationalism through political rhetoric the *Sangh Parivar*, stated building up a political movement in the wrap of a socio religious movement of a particular community.
- 58.8. Demand for “liberating” the idols and the movement for opening of locks of the disputed structure veered around to the demand for construction of the temple by 1989.
- 58.9. Political parties started perceiving and realising the political potential of the religious issue for acquiring power.
- 58.10. The BJP as a political party decided to participate in the movement for construction of the temple at Ayodhya. In June 1989, at Palampur the key resolution was passed to support the issue and make or support a demand for

the construction of temple. While passing the resolution, the BJP and other Sangh members felt disturbed by the legislative amendment brought out to undo the consequences of a judgment, popularly known as Shah Bano's case. It was observed in the resolution that important leaders of the BJP were already covertly or overtly supporting the movement for construction of the temple, while other parties were working against the interest of Hindus. The temple issue was incapable of judicial determination. A debate about redefining *Secularism* was initiated by the BJP.

58.11. The Ayodhya issue was put on the same pedestal as the Somnath Temple issue. The BJP started mobilizing people for Shila Puja programmes of the VHP. Resolution or support for the construction movement was brought on the election manifesto of the BJP. The Janta Dal and the BJP contested election to Parliament jointly. It was at this stage that so called religious issue completely merged with the political issue. The BJP and its associates put it as a major issue during the course of elections. The issue emerged on the national political scenario and the people were mobilized for the same. It had set up the political agenda of the nation. The disputed structure was projected as the *National Shame*, and as an insignia of slavery, requiring removal.

58.12. Through political rhetoric and political might, the state authorities, *Sants* and religious leaders, whipped up religious sentiments to build the political movement in the name of a socio religious movement of a particular community. Initially it had a hidden agenda of acquiring political power, which was unveiled during the elections, the process of acquiring power. All

articulation, be it philosophical, religious, political, historical were directed to acquire political power irrespective of the objective of a casteless society envisaged by the Constitution and by our seers. Mobilisation resulted in aggravating the cleavage between Hindus and Muslims. It created an ambience of tension all over the nation.

- 58.13. In order to diffuse the communal situation, the Government of India through Buta Singh, the then Home Minister of India, entered into an agreement with Ashok Singhal and others representing the VHP which allowed them to carry out the mobilization for the *Shila Pujan* and *Shila Nyas*, which was peacefully carried out in 1989. The *Shila Nyas* at the *Singh Dwar* as per the model of the proposed temple was carried out. Construction of a Chabutra was also done for the proposed construction of the temple despite the agreement that the courts' orders would be implemented.
- 58.14. In spite of the agreement between the apparent authors of the movement and the Government, twenty-seven districts of U.P. were identified as communally hypersensitive along with a few villages and places in or around Ayodhya and Faizabad.

59. The intensification of the Ayodhya campaign

- 59.1. The construction movement got intensified in 1989. A decision to construct the temple was taken, and programmes like *Shila Pujan*, *Shila Nyas* etc. were decided to be continued. The model of the proposed Ram temple was unveiled. There was some difference in the statement of Ashok Singhal and that of Param Hans Ramchander Dass about the place from where construction of the temple should commence. Ashok Singhal wanted it to start from the stairs; Param Hans Ramchander Dass wanted it to begin from *Garb Grah*. There is no dispute that the disputed structure was a part of the plan for construction of the temple³⁰⁸.
- 59.2. Elections were held in 1989. The RSS constituted *Ram Janambhoomi Samities* to carry out mobilisation. Muslim leaders opposed this through provocative speeches. Mobilization for the movement by the RSS, VHP, Bajrang Dal, BJP and other protagonists systematically brought into existence a mass movement which carried on to an extent where it resulted in political dividends. In the meantime, the Janta Dal with the support of BJP formed the government at the centre.
- 59.3. There is no gainsaying that the movement did not make any headway until the political parties jumped into the fray. It is only on coming of the political parties on the scene that this conflict or issue acquired an access to people even in remote areas of the country. It gained in momentum. It was just

³⁰⁸ See CW 11/1.

manipulation of religion for power politics. It became obvious when Acharya Giri Raj Kishore stated that clearly their motive was that they wanted to install a favourable government in Delhi.

- 59.4. To succeed required political power and the Ayodhya “issue” became the greatest influencing factor on the Indian political scene. Ethnic slurs were blatantly used. Ideological causes took the back seat, to be replaced by sheer political rhetoric.
- 59.5. Various negotiations started. Prominent representatives of the VHP or people / leaders from the BJP or those associated with the movement participated in negotiations on behalf of the claimants. Muslims from all over the country participated. It is worth noticing that local Muslims or Muslim leaders from Ayodhya or Faizabad stayed away from the negotiations. *Sants* started wearing the political mask. They surreptitiously disguised the motive of politics through publicity of religion. A nationwide communal frenzy through the medium of mobilization, press etc. was built among the masses in the name of religion. Everything was subjected to the communal hatred campaign launched by fanatics in both the communities. Political motivation mobilized the *Karsevaks*. They responded to the religious sentiments and emotions and took it as a challenge to religion. Rightly or wrongly, there is a genuine belief in Hindu community that at the place where the disputed structure stands there was a temple of Ram, upon which mosque was built under orders of the invaders. In official notes, it was accepted or otherwise too, that VHP’s past strategy used to prolong negotiations until it was able to

mobilize the maximum support and ensure the physical presence of their cadre at strategic places.

- 59.6. During the course of negotiation, mobilization by the leaders of movement used to continue. Threat warning were issued by persons no less than L.K. Advani, the icon of this movement, that in case no solution was found through negotiation or any attempt was made to scuttle the VHP stand, the nation would have to face an unprecedented mass movement. It was held out that if any obstacles were created in mobilization, or in the construction of temple or the programmes made for construction of temple, the support to the then Janta Dal Government would be withdrawn.
- 59.7. In order to mobilize the *Karsevaks*, for construction of the temple L.K. Advani took out a *Rath Yatra* from Somnath. L.K. Advani stated that the *Rath Yatra* was launched on the birthday of Deen Dayal Upadhya i.e. on September 25th 1990 and which was declared on 12th of September 1990. He declared himself a follower of Pt. Deen Dayal and accepted his philosophy, which is said to be the philosophy of the BJP and the RSS. Mobilization continued with rhetorical tactics. It provided an opportunity to pedestrian leaders or the rumour mongers to build their own inferences, where by religion was allowed to spill. Slogans during the *Rath Yatra* played their own role, though leaders pleaded amnesia with respect to the slogans raised during mobilization. The Leaders used colloquial words and speeches to provoke the people, who were receptive to the hate propaganda because of the cleavage between the two communities. A general ambience was created that the wrongs done by the Muslim invaders in the past had to be set right.

59.8. LK Advani stated that there were no discussions with the BJP leadership on how to contribute to the movement. He stated that, "*my first idea was to do Pad yatra, but since I was to be travelling through four states (Gujarat, Madhya Pradesh, Rajasthan, and Uttar Pradesh), logistically I needed a Jeep, which on the suggestion of my colleagues was changed in to Rath as the movement was for Ram Temple.*" The promoters of *Rath Yatra* conceived and perceived the special significance of *Rath* to the Indian religious environment on the psyche of Hindus. It was accepted that the BJP developed this *Rath Yatra* as a mass contact, mass-mobilisation, mass movement and for mass education. It was further admitted by him that the message of nationalism through religious idioms is more effective and translates better with the audience. He admitted that the *Rath* was looked upon by public as having religious significance attached to the *Rath* of the epic era of Ram and Krishna. L.K. Advani said he realized the significance of Vivekananda saying, "*religion is the soul of India*" during the yatra when the people received and revered it as a religious symbol.

59.9. LK Advani said the objectives of taking out the 1990 *Rath Yatra* were i) Awakening the awareness about the dispute, ii) Spreading the view point of the BJP, iii) Awakening the people politically and iv) opening the debate on Secularism.

59.10. VP Singh asserted that the Mandal Commission was the catalyst for the *Rath Yatra*. The BJP denied this fact³⁰⁹. The symbolic *Rath* carried the image of Ram, proposed plan of temple and the lotus - the election symbol of the BJP

³⁰⁹ See BJP's White Paper.

and carried the inscription "*Raghupati Raghav, Raja Ram*". The *Rath* and L.K. Advani by this time had become an icon of temple construction movement. He stated that no power of the world could stop the *Ram Rath*. He said, "I feel whole nation is behind *Ram Rath*" and posed a question "*will the Government arrest the whole nation?*" He declared that if the *Rath Yatra* was stopped support to the Government would be withdrawn.

- 59.11. Parmod Mahajan said "*the Ram Rath is the foot of Angad and cannot be moved by anybody*" "*the storm arising from Somnath cannot be stopped*" "*the arrow of Ram cannot come back*" "*are you the children of Babar or Ram, Akbar or Rana Partap, Aurangzeb or Shiva Ji*". LK Advani later said that media had misquoted the speeches.
- 59.12. At Bhopal, the Chief Minister, and his cabinet colleagues received the *Rath Yatra*. During mobilization or *Karseva* every tool, be it psychological, emotional, religious, political, threat or hope etc. were used. Leaders delivered provocative speeches of any level with the exception of some icons like L.K. Advani, about whom almost all the witnesses including Mark Tully accepted that he had not delivered any provocative speeches.
- 59.13. The power of words was fully exploited for manipulation and achieving fame, power etc. From dissection of the evidence, it categorically emerged that the leaders had used intemperate language. The vilification campaign in an undignified language against one community by the overbearing strong leadership continued. Historical narrations set in motion the gigantic process of mass mobilization. It was said by leaders be they on any pedestal in the

hierarchy, religious leaders, protagonists of the movement, even the sympathizers of movement that one particular community was not patriotic.³¹⁰

59.14. The *Rath Yatra* of 1990 of LK Advani had the blessings of Bala Sahib Deoras President of RSS and Murari Bapu another icon of Hinduism. L.K. Advani, the BJP and the RSS leadership infused life into the issue. The Shiv Sena too contributed to it from their area of influence. Acts, gestures, and messages were enough to see or feel that the BJP or the Sangh Parivar had no restraints while whipping up the passions. Neither logic nor objectivity nor intellectual honesty nor any other thing stood or counted in the way of positive political result. In the whole process of mobilization, the fundamental interest of leaders and the organizations was to acquire power in the electoral process in the future. It had its own consequential direct or indirect effect upon Constitutional Governance, Constitution, multi-cultural or multi-linguistic or multi-regional or multi-religious society.

59.15. Secularism as provided by the Constitution and understood by the common man who is expected to follow it in day-to-day working, is the need of our society, accepted by one and all during the course of evidence before me. Religious neutrality was lost in the struggle for power. In fact, war for control and to govern the people was fought using religious culture. There is no gainsaying as the later event showed the reflection of trend of religion, caste influence in ideological movements on governance. It is too obvious, and even leaders of the stature of VP Singh, LK Advani etc. accepted that

³¹⁰ See file no 6.200 (76)-A/D/90)

caste had come to govern by numbers in our democracy. Secularism or a casteless society envisaged by the Constitution had started disintegrating.

59.16. They decided to mobilise the *Karsevaks* by lighting the *Ram Jyoti*, taking out *Vijay Yatras* and processions, Shila Puja, bringing holy water from the Ganges, by showing of films of carvings being carried out at Ayodhya, and by raising provocative slogans against a particular community etc.

59.17. It is not expected to have religious matters put up in a political campaign. Religious issues or the ones having religious appeal or faith expectations or demands are not permissible. The Political nominee in the ordinary course of election campaign has to promise specified results. Here, the religious issue or even the dispute was a part of the election campaign or manifesto; be it for Parliament election or election to the state legislatures. Religious campaign mixed with political campaign or aspirations became a norm with a long-term effect. BJP, RSS, VHP, Bajrang Dal, and the Sangh Parivar managed to channel the frustration of illiterate or semiliterate persons in a destructive direction and increased their political impact through violence, intimidation, and strategically organised mass hysteria. The record of the police including that at Ayodhya on sixth of December 1992 or even the events in Bombay of massacre of a particular community or in preventing the vandalism at Ayodhya have shown a fairly dismal record, and the extent of communal-fascist thought among the police was exposed.

59.18. Members of the Sangh Parivar have been a major force in promoting regional sectarianism and communalism or cleavage amongst the two communities.

Fascist movements typically thrive when political groups are willing to tolerate or appease them. The Sangh Parivar, BJP, VHP, RSS and Bajrang Dal did not condemn the violent activities of Shiv Sena but became its ally in political power. One can see the recent crowds in Ayodhya have certainly experienced a fair share of “tricks” both from politically active priests and politicians who exploit religion.

59.19. The effectiveness of deliberately manipulating the “crowd” particularly has contemporary relevance. Failure of the Indian government from time to time to expand mass education and have done much to make these groups vulnerable to militant obscurantism, that vulnerability has also been thoroughly exploited by the extremist Hindu political leaders though illiteracy is not the sole cause of Nationalist Hindu politics generally. In recruiting candidates in the Ayodhya movement widespread illiteracy has been exploited by skilful political leaders.

59.20. The mobilisation imbibed frenzy for construction of temple; a militant and belligerent nature with confrontational attitude amongst not only the participants of Karseva but also in the organisers of the movement, leaders, and political parties supporting the construction movement. Mobilisation hyped the emotions, amongst the Hindus, particularly those who prefer Hindu as their religion. It awakened the hatred towards the disputed structure. Mobilisation had not only challenged constitutional secularism but also created doubts about secularism, the need for which is affirmed even by those who were redefining the secularism by labelling Constitutional secularism Pseudo secularism.

59.21. Mobilisation not only brought out the subdued cleavage between the two religious communities to the forefront but also enhanced it with the aid of their own interpretation or articulation of history. In totality it not only created a suspicion about the security of the disputed structure but also created a suspicion between the communities about their living together peacefully. It challenged the well-accepted connotation of patriotism referable to the country with the geographical boundaries. Acceptance of the country with the geographical limits is an internationally accepted norm.

60. Mobilisation around 1990

- 60.1. *Karsevaks* were mobilised to reach Ayodhya in advance and stay in sensitive villages, which were sympathetic towards either Hindu religion or towards the movement for the construction of the temple at the disputed structure. The *Karsevaks* succeeded in positioning themselves in villages around Ayodhya in view of the stand taken by the Government not to allow construction of the temple or damage to the disputed structure. There was a famous quote by the then Chief Minister Mulayam Singh even a bird will not be allowed to flutter, which was prevalent at that time.
- 60.2. In the process, the Government decided not to allow any congregation of frenzied, belligerent crowd of fanatics in Ayodhya. The other States supported this decision of U.P. Government. There is no gainsaying that the immediate object of security then was to provide physical security to the disputed structure. In the process, the State Government requisitioned paramilitary forces and support from the Central Government. It was recorded in official notes that forces were deployed for security keeping in view the religious perspective of PAC personnel, being carried away by the motivated appeals of the fundamentalist leaders or by religious leaders to stand against the State administration.
- 60.3. The mobilisation and frenzy had reached such an extent, that despite the impregnable security arrangements and virtual ban on the *Karsevaks* congregating at the disputed structure, the *Karsevaks* stationed themselves

around Ayodhya and re-stationed *Karsevaks* stealthily sneaked into Ayodhya through un-defined routes. They succeeded in reaching the disputed structure. They caused some damage but having failed to succeed in their objective of Ram Janambhoomi construction or from congregating in large numbers in the complex, they declared that *Karseva* would be carried out on second of November 1990.

- 60.4. In the competitive process of mobilising for *Karseva* and Government's efforts not to allow congregation, some people lost their lives. L.K. Advani and other leaders declared it symbolic success of *Karseva*. There is no gainsaying that the mobilisation of the *Karsevaks* got further impetus because of the statements of Muslim leader or the clergy, like Syed Bukhari, who said, "*Muslim community will not accept any formula in which the suggestion to put idols in the disputed structure is proposed*"
- 60.5. The BJP withdrew the support to the Janta Government, therefore fresh elections were declared in March 1991. Religion was used for political objectives. The Ayodhya dispute was made a symbol for it. The BJP issued an election manifesto promising removal of all hurdles in construction of the temple.
- 60.6. In continuity of mobilisation for the movement, keeping in view the election declared in 1991, a meeting at the Boat Club was organised in April 1991 by RSS, VHP, and BJP under the name of *Vishwa Hindu Samelan*. However, Kalyan Singh has specifically stated, "*no state machinery was used or was involved*" in answer to the suggestion contrary to it. Placards carrying the

slogans like "*Jo Hindu hit Ki bat Karega, Wohi Desh par raaj Karega*" were displayed. Leaders and witnesses who appeared before the Commission pleaded amnesia about the slogans and those who admitted it, found nothing wrong in them. It may appear to be so to some. It cannot be denied these conveyed different shades of meaning to the persons addressed, depending upon the ambience under which they were addressed or the background from where they had come, the gesture of the person addressing, his tone and texture, capability and capacity to understand the hidden meaning or capacity to analyze etc. Ideologues, icons, important leaders used their articulation of words, properly wrapped in the language, still conveying the real meaning meant for the people or *Karsevaks*. Although icons of the movement, leadership veiled real intentions. The local leadership, pedestrian leadership, religious leadership would usually lift the veil while carrying out the mobilisation at the grassroots level. The totality of evidence is that the BJP organised the rally under the name of *Hindu Sammelan*. The RSS was the major force behind for movement for mobilising people for the same.

60.7. The RSS had the capacity to do so under the widespread network of able, capable, trained, and dedicated Swayamsevak. They had the support of the State Governments where the BJP or the Shiv Sena was in power. They also had the benefit of guidance of officers, retired or otherwise, including DGP, army officers, engineers, retired judges, apart from the experienced political leaders.

60.8. The philosophy of Hindutva, Hindu Rashtra, and cultural and Hindu religion nationalism imbibed and believed had been preached for a long time,

even before the partition of the country. It may be made clear that I have not commented on the thoughts or philosophy etc. of the RSS or any other political party. It is clear that the same is not within the preview of the inquiry. At the cost of repetition it may be observed that till the BJP, the national political party, which can be said to be one of the alternative or a force at the National level, had jumped into the fray as a political party, there was no success or recognition of the dispute. In totality, and as proved by the later facts, LK Advani's Rath Yatra in 1990 gave an impetus and momentum to the Ayodhya movement. It brought the BJP and its allies to power in many States in 1991. And finally as later events showed, also at the centre. The various candidates in various elections from time to time carried out Mobilisation for construction of the temple in one form or the other during the election campaigns.

- 60.9. Mobilisation for construction of the temple did not end after the BJP success in some states and on increasing its number of seats in Parliament. Images are crucial to communicate with ordinary people. The BJP governments imbibed support for construction in the minds of the votaries. It was part of the election manifesto since 1989. The success at the hustings created hysteria among the people of the states where the protagonists of the movement had succeeded. They conveyed a message to the masses that the Government was of the Sadhus and Sants *Karsevaks*, by them, for them or the protagonists of the *Karseva* and not for the rest of the citizens or inhabitants of the country of other religions, castes or parties.

60.10. It is undisputed that Kalyan Singh, his Cabinet Minister along with Murli Manohar Joshi went to Ayodhya after the formation of the Government in July 1991. Slogans to the effect “*Ram Lalla hum aye hain, Mandir yahin Banayenga*” were raised in their presence. They have denied their participation in it, which cannot be believed on the ground that admittedly they have not even raised any objection to the slogans or their being raised at any point of time. It would be reasonable to infer that they overtly or covertly approved of them. The act of the Chief Minister and his Cabinet colleagues along with one of icons of the movement i.e. Murli Manohar Joshi added strength to the process of mobilisation and the participation of the Government or the State or the political executive for the mobilisation carried out continuously, at least since 1989.

60.11. State of U. P. in order to support or further abet the mobilisation acquired land for constructing the temple. The acquisition was sought to be disguised by notifying the object of acquisition being ‘development of tourism’. It may be observed that from the evidence it seems that the land was acquired with the hidden object of defeating the civil courts orders at a subsequent Stage. It was leased for a paltry sum of rupee one annually to a *Ram Janambhoomi Trust* for the construction of the temple. Ashok Singhal, Mahant Avidyanath, Acharya Giriraj Kishore, Champat Rai, Vinay Katiyar, Laloo Singh, Brahm Dutt Dewedi and Paramhans Ramchander Das carried out the demolition of buildings and temple adjoining the disputed structure. They carried out levelling through the State agencies like Department of Tourism and with the help of the police. The levelling was carried out despite of the

court's stay orders. It was as if there was no government or the executive to implement the Court's orders; or as if executive, political executive and the Administration were of the *Karsevaks* by the *Karsevaks* and for the *Karsevaks*.

60.12. The *Karsevaks* were a class by themselves. They were the people mobilized and motivated with the frenzy for construction. They used to congregate at Ayodhya on the dates fixed by the protagonists of *Karseva* or construction movement only on their persuasion or when exhorted to congregate for a particular object. The pilgrims might or might not have been a part of them. Pilgrims used to visit or congregate only on religious festivals or dates prefixed every year on their own with no motivation for the construction of the temple or the demolition of the structure or under the persuasion of anyone. There is no gainsaying that mobilisation used to emanate from the RSS followed by VHP, BJP and Bajrang Dal etc. for various objects like *Shila Pujan*, bringing of holy Ganges waters or Ram Jyoti etc.

60.13. The Nature of mobilisation and the extent of it used to vary from time to time through various means. Speeches, slogans, public meetings be they religious or political or election meetings, through publication of pamphlets, audio and video cassettes, through print media in various languages and the electronic media etc. were the means of mobilisation for setting the tempo of the *Karsevaks*.

60.14. It cannot be denied that speeches were only a small part of the means of expression. One draws on all arts, gimmicks, gestures, ambience, look of

speakers etc. depending on the audience. Gestures were there in abundance, whipping up the frenzy and motivation for the *Karseva*. The speaker's language used to be such that there could be no other meaning except religious feelings or frenzy. The speeches were addressed to herds of people associated with the Sangh Parivar or the ones outside its realm, but may be having soft feelings for construction of the temple or communal bias against a particular community. Various speeches of the leaders or the icons of the movement were followed by the speeches of local leaders. Neither was there any centralized control over their speeches nor was there for any discipline. It would be reasonable to infer that speeches made were on the information derived from media as it has emerged from the predominant evidence led before me and assiduously examined. It has been admitted even by Chief Minister Kalyan Singh that his knowledge about the issue was derived from the media who themselves were not well versed with the facts or history apart from being blinkered in their thought by virtue of birth in a particular religion or community.

- 60.15. Mobilisation initially was carried out by self-proclaimed social organizations. Political leaders of all levels in the hierarchy of the party or the State Governments ruled by the BJP, pedestrian local leaders, social and religious parties, protagonists of the construction movement or self-proclaimed leaders in the guise of protectors of Hindu religion joined to carry out the mobilisation. During the mobilisation provocative slogans were raised and speeches were made. For mobilizing karsevaks, *Rath Yatras* were undertaken; *Hindus Sammellans* were held with banners having hidden meanings,

depending upon the readers reading between the lines as per their background or their capability with to discern with attitudinal bias, to understand their meanings. Specific reference to slogans like “*Jo Hindu Hit Ke Bat Karega, Wohi Desh Par Raj Karega*”, “*Ram Lalla Hum Aye Hain Mandir Yabin Banayenga*” may be made for this. The icons of the movement, made attempts to explain away these slogans before the commission. Howsoever innocent or simple these slogans might appear at first look, they derive their meaning in the context and text or from the manner, or the tenor or when or where made, the ambience, the nature of the crowd receiving them, the character and the background of audience or the reputation of the maker, his body language etc. It did carry hidden or concealed meanings or at least had the potentiality or capacity or capability for the same, especially when these were made by the *Sadhus* and *Sants* who were never involved in any negotiation etc. or in the movement except that the VHP pretentiously used to attribute their decisions to the Dharam Sansad or the Kendriya Marg Darshak Mandal or Sants and Sadhus.

- 60.16. Leaders of the VHP or other organisations used to proclaim that the call for *Karseva* was given by the Dharam Sansad etc. The object of such declarations was to give rise to the false perception that the call had been given by the religious leaders with the object of involving the religiously faithful public and to mobilize more of them for the various programmes. In fact indirectly the RSS, VHP or BJP, used to give the call for the *Karseva*. For expedencies of their own, the RSS and the BJP wanted to maintain the illusion that the movement was being carried out by the Sadhus and Sants

and the VHP meaning thereby that the movement bears the character of a religious movement and that it was devoid of any political connotations. They were merely the executors and supporters of the will of the clergy and the VHP whose predominant object was to organise the Hindu religion and to unite the Hindus. The very fact of the Dharam Sansad having been floated by the VHP with no independent legal entity unveils the façade over the misleading attribution to the Sants and Sadhus. Call for the *Karseva* was attributed to various institutions and parties involved in the movement according to expediencies and needs of time.

60.17. Prior to 1989, no religious personality of repute took any active steps for mobilisation of the people for the construction of the temple. It was only the representatives of the VHP and the staunch supporters or members of RSS at some point of time or the other, or the representatives of the BJP, who used to participate in negotiations with other claimants and the governments. The meeting of leaders of the VHP, BJP, and RSS was held at RSS headquarters at Delhi to work out the logistics of the movement. Here too no *Sadhu* or *Sant* participated. HV Sheshadri, a staunch RSS leader, visited Ayodhya to assess the situation and the viability for the construction of temple.

60.18. A feeling or a belief was generated and people were made to believe by the leaders that the State Government in UP of the time after election of 1991 was the Government of the protagonists of the construction movement and the karsevaks. Members of the Sangh Parivar, leaders of movement, *Sadhus* and *Sants*, institutions supporting the construction movement vocally proclaimed that the BJP Government was their own Government and

constituted by them. The Government was committed for the construction of the temple. Emphasis used to be laid in various proclamations that BJP would form the government at the centre. Reference can be made to the statements recorded in a booklet issued by VHP.

- 60.19. The feelings imbibed as observed above, got affirmation on 6th December 1992 when slogans like "*Badi Khushi Ki Baat Hai, Police Hamara Sath Hai*" and other slogans were raised. The police, organisers, icons, leaders, philosophers, preachers either denied raising of such slogans or pleaded amnesia about the same, though they are clearly audible in the videocassettes produced before the Commission. The feeling of the government being of the supporters of the movement for construction was affirmed when Uma Bharti stated that demands like removal of barriers, removal of hurdles, handing over the acquired land etc. were met by the Kalyan Singh government. The government responded to the demands from time to time like acquiring of land, giving it on lease to the trust of VHP for construction of temple, or removing barriers.

61. Later events, leading up to December 1992

- 61.1. Sawan Jhula festival annually in July when a large number of pilgrims visit Ayodhya. Paramhans Ramchander Das, the proclaimed author of the movement admitted that it was difficult to separate the movement from politics. In order to project the support a large number of people to the movement and to mobilise people for karseva from amongst the pilgrims, Ashok Singhal exhorted *Sadhus* and *Sants* to hold a *Sarv Dharma Yajna Anusthan* and *Karseva* in July 1992. The BJP and RSS having already decided to support any program of VHP leading to the construction of the temple were mobilizing the people for the karseva in 1992. They were deceitfully projecting VHP as the frontal promoter organisation. Eleven *Mandaps* were erected in the complex for the purpose. Quite a large number of *Sadhus*, *Sants* and karsevaks converged on Ayodhya and intermingled with the pilgrims.
- 61.2. Under the garb of this congregation, *Karseva* by way of demolition of various structures around the disputed structure, levelling, construction of Chabutra etc. was carried out despite the stay order passed by the court directing maintaining *status quo* and restraining construction of a permanent nature. Paramhans Ramchander Dass, Ashok Singhal, Vinay Katiyar, Acharya Giriraj Kishore, Champat Rai, Dwivedi and the karsevaks present categorically refused to obey the court's order. UP state and its executive officers made a farce of complying with the court's orders through persuasion which did not carry any fear of the state, for the *Karsevaks*.

- 61.3. It was the thinly hidden agenda of the State Government of BJP to show and convey a message that no force would be used, as had been done in 1990. The Chief Minister Kalyan Singh categorically directed the DGP on innumerable occasions, not to use any force against the karsevaks or those supporting the construction of the temple. This further sent a message that the government of the time was implementing the election manifesto wherein construction of the temple was promised to the voters by removing all hurdles. The state acted irresponsibly to the extent that the UP Government disowned responsibility to implement the courts orders and asked the Central Government to do so³¹¹.
- 61.4. In 1992 the Sangh Parivar viewed and opined that they could seize the political initiative and reduce the Congress merely to a reacting agent. A view that losing the Government was preferable over a compromise on the construction of temple, was prevalent. The above facts as published in The Telegraph³¹². LK Advani and even KS Sudarshan admitted it in their statements.
- 61.5. A mad race designed to embarrass the Congress government was set in motion by BJP and other members of Sangh Parivar. People, specially believers of Hinduism as religion, through rumours or acts of pedestrian leaders were mobilized by conveying or building psychosis that the majority community is being deprived and the minority is taking the cake; that the majority community figure is coming down in the number game of

³¹¹ See the statement of Godbole (CW13)

³¹² CW18/12

democracy while that of the minority i.e. Muslims is increasing. It was further made known that Muslims were united in the name of religion and Hindus were a divided lot. Quite a number of Hindus had started taking a particular line, i.e. either against, or in favour of the disputed structure. It might have been because of fancy or real reasons or because of their beliefs, imagination, built, or knowledge acquired from media. These beliefs were embodied in the psyche of the common man by repeated and persistent speeches for mobilisation from time to time by most of the leaders of the VHP, *Sadhus* and *Sants*, or from persons like Sadhivi Ritambra, or Acharya Dharminder Dev, Mahant Aavidya Nath, Giri Raj Kishore and other respectable leaders etc.

61.6. Mobilisation of the people continued to be carried out. Pledges were made for construction of the temple. People were asking to swear for making sacrifices for construction of the temple through raising of provocative slogans, by delivering speeches as admitted by Mahant Aavidya Nath and others who held out that *Hindu Rashtra* had come into being the, day *Pakistan* was formed. The threat of demolishing of Jama Masjid in Delhi etc. was held out and added further to the cleavage between Hindus and Muslims.

61.7. The political party in governance had the election manifesto for construction of the temple. The government U.P not only pursued it fervently but took it to other states governed by the BJP. It was difficult for the executive to provide any administrative hurdles or interfere administratively in the mobilisation or the *Karseva* to be carried out in July 1992 or thereafter. It is

obvious even from the latter's conduct i.e. when the executive as a whole made no attempt to enforce the court's orders except by keeping a facade that court's order are being implemented through persuasion. The State had full knowledge about exhorting of *Sadhus* and *Sants* for *Karseva* for construction of temple and the decision for *Anusthan Yagya* made at Ujjain. The State Government as well as the executive neither took sufficient steps of the security of disputed structure, nor took any action to regulate the *Karsevaks* or their leaders. It permitted *Sadhus*, *Sants*, and *Karsevaks* to congregate in July and December 1992, in Ayodhya. *Sadhus* and *Sants*, *Karsevaks* and other organisations knew that the state, government, or administration is for them, by them and of them. The public at large too intuitively knew this. Constitutional secularism was projected to be pseudo-secularism practiced by the opponents. There is no gainsaying that the religious issues had already translated into a political issue by this time.

- 61.8. Mobilization continued unabated. The Chief Minister held a meeting of legislators of their party on 24th of November on Ayodhya issue. He exhorted the Ministers not to take active part in the *Karseva*. He asked them to support it in their constituencies and to send at least 10 volunteers to Ayodhya from each of 75,000 gram Sabhas, resulting in a congregation of lakhs of *Karsevaks* in Ayodhya which was widely publicized³¹³. The fact was reported in the Telegraph dated 3.11.1992, it was categorically admitted and it was stated, "*Top level meeting of VHP, RSS and BJP decided that time has come to reset the political agenda of the nation and discuss various options on the*

³¹³ See File No. 16.200 (52) /D/92

Ayodhya issue". Ashok Singhal briefed about the decision of Dharam Sansad and the decision was ratified. The final phase of the Karseva was to start.

61.9. The BJP and RSS asked its frontal organisations to participate in the *Karseva* for the proposed construction of the temple, logistical details of the *Karseva* were finalized. The important leaders who participated in the meeting were LK Advani, MM Joshi, Kalyan Singh, VH Dalmia, Ashok Singhal, KS Sudarshan, Badri Prasad Toshniwal, Sunder Singh Bhandari, Lalji Tondon, Rajendra Gupta, Khusabhau Thackeray etc. The other participants were not identified. State Governments governed by BJP and their associate parties mobilised Karsevaks. The mobilization of Karsevaks for Karseva in fact was carried out by means of giving a send off befitting the group of the state going for *Karseva* and on their return receiving them as heroes by the VIP leaders, including Chief Minister and the Cabinet Ministers etc. of the state. In fact a feeling of going for a heroic act was imbibed in them.

61.10. In order to effectively implement the orders banning the organisations which were participants in the Karseva, it was the basic fact providing the premise for imposing President's Rule in the States governed by the BJP. The Supreme Court in the SR Bommai case accepted the fact of mobilization for Karseva by the states governed by the BJP. Participation of states governed by the BJP in mobilising the *Karsevaks* emerged clearly, when the Governor of Rajasthan reported about a royal send off on departure of the *Karsevaks* and grand welcome by the State Government and the BJP leaders on their return. He further stated that the BJP had control over the RSS, VHP and Bajrang Dal. Almost all other states governed by BJP conducted themselves in a

similar manner. It categorically emerged from the evidence on record that the State Government participated in mobilizing the karsevaks for karseva. The imposition of ban on provocative speeches and promoting the frenzy among the *Karsevaks* by the VHP etc. was justified approved in the Bahri Commission Report. The findings in the report were relied upon by the Counsel for Union of India during the course of arguments and the cross-examination of witnesses. Similarly Vinay Katiyar also relied on it.

61.11. During the course of mobilisation, it used to be said that the election in 1991 were a referendum on the temple construction movement and the opponents were preventing the BJP from fulfilling its electoral promise. Similar was the stand of Kalyan Singh the then Chief Minister before and after the demolition. Mobilization of *Karsevaks* by the state is further affirmed when the UP Government provided all amenities to the Karsevaks like food, stay, sanitation, medical facilities and construction material etc³¹⁴. Arrangements for food, free electricity, providing transport through buses withdrawn from the local routes to Ayodhya, providing water, camping, public convenience etc. was made by the UP Government. The Home Secretary affirmed the oral instructions from the Principal Secretary of the Chief Minister to provide the above-referred facilities.

61.12. A crude attempt was made to show that the arrangements were provided under the orders of the Supreme Court. MM Joshi, LK Advani decided on mobilizing the *Karsevaks* by taking out a Karseva yatra and it left to Sikander

³¹⁴ See file No. 16.200 (52) /D/92.

Bakht and AB Vajpayee to go to State capitals and mobilize the *Karsevaks*³¹⁵. Madhav Godbole, Union Home Secretary corroborated that the *Karsevaks* were mostly mobilized by the State Governments of Madhya Pradesh, Himachal Pradesh and UP by whom facilities like transportation etc. were provided. Acharya Dharmendra Dev stated that the task of mobilization was given to LK Advani and MM Joshi. It was a distribution of the party work. This was as admitted by them also. LK Advani stated that the work allotted was keeping in view who could be more effective in Parliament and outside. Restraining or containing any section too was not taken into consideration apart from various other considerations. The plain denial of discussion is incomprehensible, as to how the BJP could contribute to this movement as asserted by LK Advani, when concededly a meeting was held at RSS headquarters in Delhi in November 1992, where logistics were worked out. The matter was reported in the Telegraph dated 3rd November 1992.

- 61.13. LK Advani and Murli Manohar Joshi restarted their *Rath Yatra* for mobilising *Karsevaks* to congregate at Ayodhya on 6th December 1992 from Kashi and Mathura respectively. KS Sudarshan stated, which was corroborated by NC Pandhi, that originally the plan for Karseva envisaged, calling Karsevaks in the batches of 25,000 to 50,000 everyday. It was on the 24th of November 1992, in view of the apprehension of dismissal of the BJP Government, that the VHP decided to make the contingency plan operative, which required all the *Karsevaks* to reach Ayodhya and instructions were accordingly issued. Prior to that, Ashok Singhal issued a warning, that they

³¹⁵ See CGW-32/M, CGW 50/1 and the statement of CGW 50 Harish Dubey

will call all the Karsevaks simultaneously in case of dismissal of the UP Government.³¹⁶ NC Pandhi³¹⁷ corroborated it. Reference to the statements of CGW 32 NC Pandhi and CGW 10 Peeyush Srivastava be made. It was well known and recorded that the State did not stop Karsevaks Rather they had mobilized the Karsevaks for the congregation. The BJP, VHP, RSS, Shiv Sena and Bajrang Dal did not want the campaign to run out of steam. NC Pandhi affirms the note that by 20th of November 1992 about 4,70,000 *Karsevaks* from all over the country were mobilised and persuaded by the VHP and others to participate in the karseva. The VHP started sending *Karsevaks* to Ayodhya from 25th of November³¹⁸. The state did not adopt any strategy either earlier or during the campaign for construction of the temple at the disputed site for preventing communal clashes³¹⁹. Ashok Singhal challenged the undertaking given by Kalyan Singh, Chief Minister to the Supreme Court for a symbolic karseva, “who is Mr. Kalyan Singh?” and thereafter stated that the undertaking by Chinmayanand for symbolic karseva to Supreme Court was given with an object to avoid confrontation. On the spot even Chinmayanand stated that the pretentious undertaking was only on paper, they were bound by the orders of *Sadhus* and *Sants*, over the orders of the Supreme Court. Video CD stating so is on the record. Majority of the leadership objected to the undertaking given to the Supreme Court. Some of the leaders had said the acquisition and undertaking had thrown the tempo of

³¹⁶ Recorded in file No 5.1355/D/91.

³¹⁷ CGW32

³¹⁸ See noting in file No. 15.200(51)/D/92.

³¹⁹ Recorded in file number 9.200(5)/D/90

“*Karseva*” backwards. The mobilization of the *Karsevaks* by the BJP and RSS was corroborated from the facts not seriously disputed.

61.14. The *Karsevaks* were provided introductory letters from their place of origin. They were issued identity cards on reaching Ayodhya when they used to report in the VHP office, by the organisers. The arrangements for their stay, food etc. was also made after they reported in the VHP office at Ayodhya. The statements of Sakshiji Maharaj³²⁰, Madhav Godbole³²¹, Sanjay Kaw³²² and DW 13/2 supported the facts.

61.15. Mobilization was in a disciplined way for which the RSS was known. This gives credence to the statement of Sanjay Kaw who stated that youth wing of the BJP was giving forms for going for karseva from their Delhi office and thereafter the cards were given by the RSS³²³. He was not even cross-examined on this; and not even a suggestion was made that this was incorrect.

61.16. The slogans to the effect, “*Jis Hindu ka khoon naa khola, woh khoon Nahin woh Paani hai*” were raised and accepted by Paramhans Ramchander Dass and Nritya Gopal Das. The air was filled with the rumours that if the leaders did not do *Karseva* they would have to face *mar-sewa* (thrashing). Paramhans Ramchander Dass and Vam Devji accepted the situation not to be normal after the decision of the Supreme Court for symbolic karseva. The militancy

³²⁰ DW8

³²¹ DW13

³²² CW20

³²³ See CW 20/2

was writ large on the faces of those attending the public meeting held within the boundary wall of Ram Janambhoomi complex³²⁴. Even Ashok Singhal has not denied or refuted that he used to assert that karseva will not merely be bhajan and kirtan, they would do the Karseva as planned, despite the court orders³²⁵. Nobody has stated that mobilisation prior to 6th Of December was for symbolic *Karseva*. Rather it was clear that actual construction would be carried out despite the stay order passed by Hon'ble Supreme court which further required it to be published through media etc. The state took no action when on the morning of 1.12.1992 karsevaks damaged graves and *Mazars*, except recording a formal FIR³²⁶. Doors of the mosque were removed. The beating of a German journalist on 5th December was reported to the authorities. The decision for symbolic karseva on 5th of December was taken as per Sakshiji Maharaj because BJP was in power. This statement appears to have credibility in view of the background that the Chief Minister throughout the movement had been emphasizing and asserting on the rights of the state to govern itself and the nature of the federal structure of the Constitution. He continuously objected to even the stationing of para-military forces much less deploying them. About the apprehensions and violation of the court's orders, he himself was well informed. Having failed to implement the same he asked the Prime Minister in July to get the orders of the Supreme Court implemented. All acts of Chief Minister Kalyan Singh or his other associates give an impression symbolic *Karseva* was only

³²⁴ See CGW 24/2.

³²⁵ See CW-24/2

³²⁶ FIR 193/92

therapeutic. It sent signals for the mobilising or the mobilized *Karsevaks* to reach Ayodhya. It was categorically conveyed in no uncertain terms that no force would be used against the Karsevaks.

61.17. The concept of the scheme or the conspiracy, and the desire etc. in the mind of the man having been ignited on the prospect of demolishing the disputed structure, excited and touched more persons with faith in the religion or belief of Ram through various means. Since the construction of the temple was the object, demolition of the existing structure was quintessential to achieve the objective. Local persons like Paramhans Ramchander Dass had always insisted on starting construction from Garb Grah.

61.18. Vinay Katiyar, Champat Rai, Acharya Giriraj Kishore, Mahant Avaidyanath and DB Roy etc. had begun plotting for demolishing the disputed structure though secretly right from the beginning. The methodology adopted for the demolition was sudden attack on the disputed structure, sudden simultaneous attack on journalists, proceeding with technical logistics like putting of ropes in the holes and then pulling the wall under the domes.

61.19. The state by its conduct, ensured non-use of force, and even eliminated the chances for the same by resisting the deployment of the central forces, and restraining the use of force against *Karsevaks* and the leaders of the movement. Failure to prepare any contingency plan to meet various eventualities not only sent a signal that the police, executive and state was supporting the mobilisation but also that they would ignore any plot hatched. Participation of the Government in levelling of the structures around the

disputed structure, construction of the Chabutra in violation of the court's orders, issuance of specific orders not only not to fire, but also not to use force against *Karsevaks* emerged from the prognosis of evidence. Security arrangements with no coercive force to use at the disputed structure against *Karsevaks* were made. Mobilization was being carried out before the fateful day of sixth of December for going to Ayodhya for the karseva for construction of the temple despite the directions of the Supreme Court given on the undertaking of the State Government, for symbolic karseva duly publicized in mass media.

61.20. No decision on symbolic Karseva was taken until 5th of December 1992 and thus added impetus to the mobilization of Karsevaks for the construction of temple, creating a surcharged atmosphere amongst the people committed to the construction. In totality, the conduct of the Government and speeches of the Ministers and the Chief Minister created an impression that the protagonists of karseva and the Chief Minister were one. The Chief Minister of UP claimed that he would not hesitate to sacrifice his Government for the construction of Ram temple. States supported the mobilization of *Karsevaks*. The congregation as also the Sangh Parivar did not want the campaign to run out of steam³²⁷.

61.21. It is discernable from the scheme of things, from the statements of Paramhans Ramchander Dass, LK Advani, Murli Manohar Joshi, Vishnu Hari Dalmia, Ashok Singhal, Vinay Katiyar, Uma Bharti, DB Roy, R.N. Srivastava, Parkash Singh, BP Sinha, Commissioner Faizabad, Deen Dayal

³²⁷ See noting in File No. 16.200/51/D/92.

etc, that mobilisation of *Karsevaks* and the *Karseva* itself was carried out as planned and thought out by RSS through its frontal organisations like the BJP, VHP, Bajrang Dal or the associations of religious leaders. It may be observed that it was either the RSS leadership or the fanatics who were the real actors behind the scene with powerful political interest pulling the strings not only for mobilizing *Karsevaks* for *Karseva* but also the movement. The real object of mobilizing the *Karsevaks* for *Karseva*, as is evident from the totality of statements on record, was to acquire political power.

61.22. All members of the Sangh Parivar attempted to take credit for mobilisation boosting the egos of their leaders. None of the counsel, including the Commission's Counsel addressed the commission, making even an attempt to attribute mobilisation to any particular organisation, or person for reasons best known to them.

61.23. In reality, it cannot be denied that it was the BJP, VHP, Bajrang Dal and RSS and its leadership including LK Advani and KS Sudershan who later became an icon of the movement, who had carried the burden of mobilisation of people generally. On BJP's commencing mobilisation for political reasons it gained unprecedented impetus and gave momentum to the movement. This was shared by other leaders like Murli Manohar Joshi etc. By focusing on alleged victimization of Hindu community, they had set in motion the process of mass-mobilisation, thereby setting up a national agenda for the future.

61.24. The crowd that had gathered to hear the national leaders became eager listeners to the emotive speeches of religious leaders and pedestrian leaders for setting up a frenzied ambience. Admittedly speeches and slogans were uncontrolled by any centralised agency of the Sangh Parivar. It gave a fiefdom to local leaders to build leadership. Injudicious words were used with motivated formulation to hype up emotions. The central leadership of the BJP was ill-equipped to monitor, let alone rein them.

61.25. The mobilization activities which were carried out covertly or overtly, according to the context and encouraged by the authorities resulted in raising the temper of hopes, giving and affirming the currency to Hinduism as religion. The entire campaign and even the statements of persons like Vinay Katiyar, Avasdyanath, BK Roy were nothing but vituperative and were repeated before the commission. The local leaders, local *Sants* had no qualms about the safety of the disputed structure. They mobilised their sense of frenzy for construction of temple. Neither the icons of the movement, nor national leaders, nor any other authority, be it state, executive, administration or police, had any control or will to wield any discipline over either the leaders or the Karsevaks. On the fateful day some of the leaders like Sadhivi Ritambhara, Uma Bharti etc. apart from going along with the *Karsevaks* on demolition, themselves became belligerent and militant. They went into ecstasy.

61.26. Allergy to the thought of symbolic *Karseva* was not a hidden fact. Sentimental slogans, even some of them being like war cries for waging a war, were raised further mobilising the *Karsevaks* for 6th of December 1992.

People at large, much less the *Karsevaks* gathered there, media, executive, administration and political parties knew about the therapeutic, or false declaration of state or the Chief Minister Kalyan Singh with respect to the security of the disputed structure during the *Karseva*. The state created favourable circumstances for mobilisation and congregation of *Karsevaks* with a clear-cut thought as was stated by Joseph Nye of Harvard Kennedy School that, *"life is still defined by family and village, in other words by social network that are both local and immediate."*

61.27. The political party mobilizing the people for the *Karseva* was the governing political party. It was participating in mobilizing *Karsevaks* for the construction of the temple in place of the disputed structure while declaring that it would protect the disputed structure. The State through its various acts declared it a step towards construction of the temple by leasing out the acquired land measuring 2.77 acres to the *Ram Janambhoomi Nyas* for construction of the temple. *Ram Dewar* was constructed by the government as a boundary wall of the temple under the veil of the security wall of the structure. It helped in the mobilisation of *karsevaks* for construction of the temple.

61.28. In order to imbibe the impression with government departments about the contribution for mobilisation by the states, the state authorities undertook levelling, demolition of structures in and around Ram Janambhoomi complex, with the declaration of the chief Minister that irrespective of the fact whether the government stays or goes, the Mandir must be constructed. Other mosques were demolished, and the state still took no action. The state

allowed the construction, allowed the *Sants* and *Sadhu* to congregate at Ayodhya. Ashok Singhal exhorted them and others for *Anusthan* and *Karseva* for construction of the temple in July 1992, in spite of the stay order granted by high court. A *Chabutra* was constructed for the construction of the temple. Mahant Avidya Nath categorically admitted that it was because of the BJP government being there that the momentum of mobilisation was built. VHP by itself would not have succeeded on their own in building the construction movement.

- 61.29. On the rumours or dysfunctional information about the imposition of President's rule, all political leaders went into hysteria, left their plans, if any was there, and started exhorting the *Karsevaks* to converge to Ayodhya to forestall the imposition of President's rule. Hysteria was built up to demolish the disputed structure.
- 61.30. The preparation was accomplished with phenomenal secrecy, was technically flawless with consistency and assured results. With complete insensitivity, what had been tried to be achieved for centuries, was accomplished in a few hours.
- 61.31. The theme was power. It attracted clusters of young men to support the hidden agenda. Leaders cannot extricate themselves politically from the results of desirable deceptive or gullible statements in which they have landed themselves. They know how passions are aroused and how to prevent the same; they however always see what would be beneficial to them rather than what would be good for the nation. This is what happened in Ayodhya.

- 61.32. The mobilisation and in fact the entire movement for the construction of the Ram temple at the disputed structure was carried out by the RSS, initially keeping the VHP, local *Sants* and *Sadhus* as the front body for raising the dispute. Later the BJP, Bajrang Dal, *Sadhus* and *Sants*, or other organisations like the Shiv Sena and other individuals joined as well. Some individual leaders of the BJP were associated and were supporting the movement from its initial stages. Throughout the movement, the reins of the movement remained with the RSS who used to work out logistics and programmes.
- 61.33. Without the mobilisation by the BJP and taking out of *Rath Yatra* by the icons of the movement like LK Advani etc. no substantial mobilisation would have taken place nor would any frenzy of hate towards the disputed structure have been built.
- 61.34. Regulation of religion has to be done for peaceful existence and not only as the means of effecting social or moral regulation. Refusal to enforce limits or religious feelings amounts to abandoning constitutional governance, which would result in civil wars. There should not be any element of religion behind a political decision or endorsement of religious activity, which in this case happened. Ram, the incarnation of God was exploited by a handful of men for their political power games.



सत्यमेव जयते

REPORT OF THE
LIBERHAN
AYODHYA
COMMISSION
OF INQUIRY

CHAPTER 7
SECURITY SETUP
AND ENVIRONMENT

62. THE SECURITY SETUP AND ENVIRONMENT

- 62.1. The State's primary and constitutional obligation is to uphold the law and its majesty. Its *dharma* is to act fairly and without let or hindrance or favour.
- 62.2. This Commission has been charged with the onerous responsibility of unfolding the sequence of events leading up to the "*Karseva*" on 6th December 1992 and to objectively consider the security provided to the disputed structure. I have dealt with this aspect contextually in various other parts of this report. However even at the cost of repetition, it would be appropriate to refer to the compendium of facts in its pith and substance as emerged from the evidence and the testimony of the witnesses who offered their justifications and excuses for what they did, and more importantly what they did not do.
- 62.3. I need not attempt a *nouvelle* definition of the concept or idea of *Security*. *Security* is commonly understood to be the insulation from external dangers. It can be termed as the process of securing a thing or person. In the context of the disputed structure, *Security* meant the keeping the structure safe from any trespass, intrusions and / or encroachments by unauthorized persons.
- 62.4. I am mandated to identify facts, circumstances and persons, notwithstanding their stature or character, who contributed to, or were responsible for, the criminal failure and whose conduct and the acts of commission leading to the destruction of the disputed structure. It created a climate of distrust and hostility and widened the cleavage amongst the communities.

62.5. The task before the Commission is onerous and can never be fully accomplished to everyone's satisfaction, particularly in view of the conscious effort by vested interests to mask the evidence and cover up the events. In many ways the scope of the Commission is historically unprecedented and unparalleled as its ambit covers the whole range of facts, events or happenings of centuries and decades, covering the whole nation, its two major communities, countless individuals, religious faiths, their followers, political and social organizations and other innumerable social, religious, political and historical events. It is so vast and its dimensions so broad, bringing within its remit the social and historical dynamics of Indian society, while at the same time, the implications of each one of the factors affecting the main event, which will cast its shadows for a long time in times to come as well. In every sense, a unique and never before attempted task and onus was placed before a one-man Commission. The Commission is to determine the facts relating to the constitutional working of institutions, the involvement of religion in politics, ethical and moral governance and the uncharacteristically strong reaction by a community traditionally having a history of tolerance of faith, of accepting followers of any religion or origin and allowing them to assimilate in the mainstream of the country. Historically, it had also provided them the opportunity of equal representation in governance; securing the highest tradition of human freedom as human rights etc.

62.6. The Commission was mandated to gather evidence about suspect organizations or individuals who intended to violate and transgress the multi-

cultural, multi-regional, multi-religious, multi-linguistic milieu of the country, thereby endangering its unity. It was further mandated to suggest ways and means to be adopted by the Government to forestall and nip in the bud any such future activity before it acquires monstrous dimensions, which could result in a deluge of miseries heaped on the citizens or on the ordinary common man by power seekers and false messiahs of society.

63. The State's duty to secure and to protect

- 63.1. I have reviewed the past experiences of religious fanaticism provoked from time to time, the consequences of the religious issue acquiring political nature, the consequences of the participation of political parties in religious matters and its effect on politics and on security. I have analyzed, observed, attempted to pierce through the veil of the political executive, the bureaucratic machinery, legislative will as well as the preparation for security made and provided prior to 6th December 1992.
- 63.2. The White Paper issued by the government and the one by the BJP, books written by different authors and the oral statements made were referred to and history spanning many decades was gone into. Facts and circumstances for the purposes of the security and other issues relating to it were assiduously examined. One need not go into the threat to the disputed structure, security provided, protection needed or provided prior to 1949, though some evidence in the form of historical background and allied material in the form of some books which have been written, some other write-ups and essays were placed before me.
- 63.3. In substance, it emerged that the authors of the documents, articles, references made in history and even history written about Ayodhya, travelogues, judgments had concluded that the attempts of Hindus prior to 1949 to repossess the disputed structure for innumerable reasons and considerations failed, This Commission had evaluated the procedure for

security employed for the disputed structure as well as the will of political or the legislative executive, or executive subservient to their political masters. In this context, one seriously needs to consider a mechanism which will assert the obligations prescribed under the Constitution so that any reluctance or recalcitrance by any subordinate authority will be over-ridden by the federal authority. Nothing less could have prevented the happenings of December 6, 1992.

63.4. The Constitution given by us to govern ourselves envisages a secular state and secular sovereign. These are the foremost aspirations of the people imbibed in the Constitution. The Constitution of India provides for setting aside considerations of religion, caste etc., and keeping them from interfering with governance. It is incumbent on the State and it is its primary responsibility to ensure a secular polity and see that the State or the State's leadership or the people governing, termed as political executive or by any other name or institution, are not permitted to deviate from it or articulate their polity by terming it by any other name than secular, as understood by a common man. Philosophizing secularism envisaged by the Constitution by describing it or articulating it by any other name be it pseudo-secular etc., would be the subversion of the Constitution, for ulterior or hidden political agenda.

63.5. Governments and Administration are duty-bound as ordained by the sacred duty imposed by our Constitution to keep to the secular credentials and to further ensure that nothing should detract the people from reasonableness, coupled with the social importance of the situation, taking care of the

consequences of acts etc. The State is enjoined to maintain or protect constitutional rights though there cannot be any fixed administrative formula for creating and sustaining such a framework. All administrative actions, legislative enactments, thoughts and philosophies are subject to and have to be tested on the anvil of the Constitution. All institutions, means, acts etc., of citizens are required to be directed for achieving what the Constitution envisages. Our Constitution ensures greater good for larger numbers while protecting the fundamental rights of individuals or the people in minority and provides for an orderly society governed by laws.

- 63.6. Religion and caste have retained their impact on our society. RSS ideologues preached the philosophy of Hindutva, Hindu Rashtra, cultural and Muslim attitudes, Akhand Bharat etc., since 1924. The RSS and its allied associations have always held the position, sometimes mutedly, and later on vocally, about their perception of Hindutva, Hindu Rashtra and cultural nationalism. To them, secularism as contemplated in the Constitution had a restrictive connotation only. Insinuations and suggestions were made in the public discourse while referring derisively to it as pseudo-secularism. Compliance with traditions and sentiments of the majority was and is their stated belief and which had to be achieved. It has an inherent contradiction with respect to securing and ensuring the fundamental rights provided by our constitution. The general mass of population of Hindus could be deemed to be apathetic to the disputed structure, referred by some as the *Babri Masjid*.

64. The power to police the state

64.1. Executive powers connote governmental functions after legislative and judicial functions have been specifically distinguished. It has been recognized that executive power comprises of determination of policy as well as its execution, maintenance of order, carrying out and supervision of general administration of the State. At times the Government or State executive functions without there being any legislation. Here, the State makes administrative rules to carry out the residuary powers vested in it. It includes initiation of all legislation, maintenance of law and order, carrying out general administration, maintenance of peace etc. It is a residuary power in the process of governance. The three lists in the Constitution confer the power and jurisdiction for its exercise on the State or Centre, i.e., the State List, Union List and the Concurrent List.

64.2. One of the major objects of society is peace and tranquillity within it. *Law and order* is a State subject under the Constitution of India. Ensuring independent functioning of institutions, enforcing laws, maintaining law and order, maintaining peace, protecting rights – constitutional or otherwise – are the State's function. Police powers with the state are exercised by the concerned police, or bureaucratic, or political executive, subject to constitutional restraints. These powers cannot be subverted or manipulated in violation of constitutional or other legal and human rights. Exercise of executive or police powers are inherent apart from being residuary powers

required for administration. Maintenance of law and order in modern society envisages ensurance and willingness from citizens to comply with the law even though individually one may not agree with it.

64.3. The Police is the coordinating arm of the Administration to enforce law and order, to maintain discipline, enforce orders of the lawful authority etc., even by force in the discharge of its functions. The police is the basic and main force with the State. It is the coercive management mechanism of the government. Wide statutory powers are conferred on the Police to maintain law and order and peace in the society. Legitimate use of force is justified in order to protect life of the citizens or property against various forms of violence. The State is empowered to take measures or steps to ensure peace and amity amidst people under the overall umbrella of the constitutional framework of the country.

64.4. Principally, it is the District Police, which is described as the State or District Police force of the State for administration. It is the armed hand of the State or Administration, which can be utilized according to the needs of the time. The PAC is the armed wing of the Police force with professional weapons training, akin to the military cadres to help the district Police. It is deployed subject to the control of the SSP of the district. The PAC is required to support the district Police in suppression of disorder, crime, violence, and help in apprehending dangerous criminals. The Superintendent of Police of the district is empowered to assign duties to them, the record of which is required to be maintained.

- 64.5. This Commission has dealt with the hierarchy of the Police in a separate chapter in this report.
- 64.6. It would suffice to note here that under the U. P. Police Regulations, the DGP of the Police heads the Police department and the Police administration. He deals with gazetted officers, transfers and postings, and grant of leave etc. The State is divided into zones and the Police divided into a range constituted of various districts. IG heads a zone, while the DIG a range, and the SSP a district. The DIG is duty bound for reporting about breach of peace, matters of political nature etc., while the Commissioner has been ordained to exercise the power of supervision of matters relating to police administration.
- 64.7. Powers flow from statutes, traditions, practices, demands, needs of state, and exigencies for governance. Police is the sine qua non for governance, administration, maintaining peace, maintaining law and order, peace and tranquillity in the society. The Police have been empowered to use force to disperse unlawful assembly likely to cause disturbance in public or one being dangerous to public peace and order, though use of force is subject to the orders of the District Magistrate. Yet the Police can do so independently too without the orders of the District Magistrate.
- 64.8. The only caveat being that this power can be exercised only when the District Magistrate is not available or unreachable or if any delay may prejudice the situation. A further rider is put that the Police authorities will inform the District Magistrate at the earliest. All the statutory powers and

use of discretion is with the District Magistrate under the Criminal Procedure Code.

- 64.9. It is well known that politicians set the course following the weather of the day and flavour of the time with a constant eye on the next polls. It has been the general experience that normally politicians and public men having grains of a politician are loathe to accept responsibility for consequences of their action, much less on the use of force while exercising constitutional powers and discharging constitutional functions. Of course in his public pronouncements the politician generally takes care to recite words or regulations authorizing him to deal with the police affairs relating to promotion, budget, assignments etc. The politician usually in day-to-day working has come to expect from police or administration favours for his constituents, friends, relations who are usually the members of the political executive, or legislators from a constituency, or member of a particular caste or religion in a constituency. Possibly there cannot be two opinions that professional politicians work through their local leaders or agents, who can be loosely termed to be active supporters, brokers and pretentious intermediaries of the government. It is generally well-known that appointments to senior posts in police, civil service or any other service are mostly on the premise of proximity to the political bosses or the political party in power, irrespective of one's professional standing. Similar processes have also come to be adhered to for appointments to various other institutional and even constitutional institutions. It is the political party in power which impacts the budget, equipment and facilities for policing, apart from other amenities to the Police

officers. We have to examine their role and responses in the context of the current dynamics of governance. It is not expected from the Police officer that he shall shape his professional behaviour in accordance with the political culture. Normally it is expected that he would work independently within the framework and the spirit of the Constitution of India, devoid of considerations of his personal gains, losses or any political ambitions etc. Politicizing the Police would be the end of democracy which unfortunately, is evident in our system.

- 64.10. Statistically, in any of the elections, none of the political parties has succeeded in gaining an absolute majority from the total electorate and have largely secured less than a third of the votes actually cast. This winning percentage is quite obviously a very small percentage of the total electorate, much less of the total population of the state. The political parties succeed or fail on the support of a small number of the votes of the Electoral College and much less of the population eligible for casting votes. The demands of such a number are represented and extrapolated as the demand of the nation which may not even be by all the voters of the party voted to power in a democratic system like ours. I may observe that that the demand for the construction of the temple or the issue of temple construction which was never the prominent relief sought even in the civil suits was brought out from oblivion for a hidden and motivated reason for acquisition of power. It therefore cannot be termed as the demand of the majority, much less of the nation.

- 64.11. There are increasing tensions in the police-public interface particularly where the communal dimension is pronounced. The Police usually have to use force in order to deal with the cases reasonably and sensibly. The effectiveness of the Police authority would rest on public consent and cooperation for efficiently and effectively protecting fundamental rights or liberty of religion etc. The Police cannot and could not and should not do what is not sanctioned by law and at the same time maintain ambivalence in a given situation to mask inaction and that would in fact be incriminating. The impetus for planning and taking appropriate action should be based on trends and historically known bias of populations, conduct of political or religious bodies or leaders. No doubt powers must be exercised circumspectly and their exercise must be scrutinized with particularity of the requirement of reasonableness. The notion of reasonable grounds for belief imports objective standards, having regard to the character, antecedents, propensity to commit violent offences, reason to fear or perpetration of crimes of violence against another person or property. Police has to take into account the credibility of their information sources, authenticity of facts, and their co-relation to the circumstances prevalent in the area of contention and then formulate their response. The Police are duty bound to take appropriate steps to foreclose or stop the offence of incitement of a religious or communal resentment. Police is expected to use its preventive powers to prevent a conduct which appears likely to prejudice and encourage breach of peace. A dominant criterion for use of force is the object and purpose of the crowd.

64.12. Crowds differ from occasion to occasion or purpose to purpose, nature to nature, as can be seen that a crowd on ceremonial occasions or festivals are quite different than ones for political purposes or trade union activities etc. There is again a distinction between peaceful crowd and aggressive crowd. It is well known that usually an assembly converts into a crowd in the due process and at times becomes a mob. The motivation of the people assembled is the major factor for the assembly converging into a crowd and thereafter into a mob. There is no gainsaying that all assemblies, or crowds or mobs or congregations carry with them a motive or a particular object. Undesirable people with criminality of various natures or selfishness, irrespective of the nature lurking in their mind, get mingled with in it. In the mob of the unlawful assembly or in the crowd or the conditions carries with them the leaders, professional agitators and organizers either with a little ability or no ability at all to control their followers. The mischief mongers, leaders albeit criminals intermingled with the crowd instigate the crowd by their acts, deeds or by exhorting them to take recourse to violence. The threat of violence appears from a mob without any warning, which can be either a slow or a sudden process.

64.13. Converting of a crowd into a violent mob is usually a hidden agenda of the leaders or mischief mongers, except in some exceptional cases, when it may be otherwise. Finally, in a mob everyone becomes a leader of his own. One loses one's rationality in a mob. One attempts to be a hero in a mob. Every sensible leader is expected to be sensitive to such possibilities. It is well-known that when people collect, their faculties have a tendency to be

disoriented whether through hysteria or otherwise. The SSP is required to inform the District Magistrate about it and its causes. The Superintendent of Police is ordained to act on the directions or instructions of the District Magistrate. U. P. Police Regulations ordain the District Magistrate that in case of situation having a bearing on general law and order directly, the SP is to act according to his instructions and guidelines. It was made incumbent for DIG to visit or inspect at least six weeks before the date on which additional force is required. Regular patrolling through the beat system by the Police is incumbent. It is the District Magistrate who through the Commissioner sends a proposal for contemplated additional force.

- 64.14. Wherever there is a likelihood of conflict because of enforcement of law, policing becomes dependent upon the exercise of discretion of the officer, which again depends upon the particular circumstances of the case, and the scale of the situation they are required to handle. Force is to be exercised keeping in view foreseeable consequences. The authorities would be required to assess the force required to be used, against the standard of their common experience in relation to the provocation offered in order to determine the state of mind of the crowd or agitators. It has an element of subjective assessment which may sometimes be difficult to make. No situation would permit the Police authority to constitute itself as one of the protestors or protectors of partisan views or for class of possible future beneficiary who would thereby become potentially secured at the expense of others less fortunate. Whether the situation can be dealt with as speedily as is reasonably possible, it can look into the circumstances, the rapid progress, and directness

of the course employed. These are some of the matters which are required to be considered but are not the only matters. They cannot seek justification or comfort merely in the assurances of dubious people nor can they wait for a situation to get out of hand merely because political instructions are either withheld or camouflaged under the pretext of consultations and deliberations. The Police should not be dictated to, by the requirement of political agenda to be enhanced, as their responsibility and guiding mandate is for maintenance of law and order. The services should be free from political biases and personal agendas which was apparently not so in the case in hand. Every step to deal with crowd or crowd management taken was in conformity with the desire and wishes of local leaders, political leaders of the political party in power in the State of U. P., and the government of the State or its policy to achieve the political ends which were expressly desired otherwise.

64.15. Under the Police Act, a Police officer is duty bound to maintain general diary, recording therein, the complaints, charges, names of the persons arrested, names of the complainants, offences, weapons or property, name of witnesses, and other important events or political disaffection towards the government etc.

64.16. It may be noticed that under the Police Rules, all records, books etc., are retained for 45 years, but in the present case, these were not even maintained, as the SSP in his statement categorically stated that no daily diary was maintained by him.

- 64.17. Other officers who were examined gave similarly evasive replies. No records were produced before me, not even the audiotape speeches recorded by various agencies, could be secured by the Commission for lack of definite information.
- 64.18. Statutorily and administratively the District Magistrate is the head of criminal administration. He controls and directs the district Police under the Superintendent of Police of the district directly. The SP of the district is required to inform the District Magistrate about developments regarding law and order. The District Magistrate is further required to send information to the government or the higher authorities. The District Magistrate is bound to ask the Police regarding appropriate action taken, explanation for inaction, or abuse of authority. He is required to inform the government of the facts and happenings in the district. The U. P. Police Regulations further provides that the Magistrate and Police officers shall act in cooperation with each other. It envisages that the District Magistrate is responsible for dispersing of the crowd and in his absence, it is the duty of the Police officer present there, to determine the force required and to the extent to which it is to be used. Use of force should focus on attaining the object. Similar guidelines have been provided for use of arms, when to use them, to what extent, till when, and the designated authorities who can order firing, and on whom etc.
- 64.19. The Commissioners of Divisions exercise general power of supervision over the matter relating to Police administration. The District Magistrate has been ordained to send proposals for additional forces to the government through the Commissioner.

64.20. There is no doubt that the ultimate judgment on the standards of adequate security must rest with those vested with the responsibility of enforcing the security. The story of the actions of the state in providing security in this case is a story of apathy, rank incompetence, voluntary abdication of its responsibility, strongly suggestive of complicity. It is the ultimate breakdown of the executive process of the state, a nightmarish situation, which our constitutional framers hoped would never come to pass. It was believed that the political executive of the day would have a modicum of maturity to fulfil their constitutional obligations with a sense of duty and not for cosmetic consumption.

64.21. This is an era of religious oriented upsurge or religious disturbances or of mobs, or of crowds or of guerrilla oriented crowds. It is generally for acquiring power. Communal riots, violent mobs, unspecified civil wars, criminalization of politics or society, unemployment, descending economic conditions, ascending rise in living style, scientific development, awareness of human rights are the concomitants of the present age. The crowds or mobs are of different nature. Broadly, they are peaceful, or are of religious nature who are neither mobilized or motivated nor hyped like the ones at Kumbh Mela, while others are mobilized, exhorted for a particular object, and are usually hyped to achieve their object, like the ones for *Karseva* etc. A large number of people are getting engaged in large-scale organized or unorganized mass violence by frenzied, religion-oriented and power hungry criminals or persons with criminal motives. It cannot be denied that usually mobs or crowds or assembly, be it religious, or of other nature, have a

definite motive or object with an open or hidden, conscious or subconscious mind, with the agenda of acquiring political power.

- 64.22. These are the new challenges for statesmen, politicians etc., especially the State, Police, executive or political executive etc. Mobs cannot be controlled in an emotional haphazardous manner. Mob control in itself is a distinct and specialized subject. It needs specialized training and effective, aggressive and positive Police action without political directions or interference, if nothing more at least no undue interference. There are different methods of crowd control, one is preventive and the second is mob control. Prevention could be through political, economical, sociological, psychological or moral means. Secondly, mob control can be by policing, or by force or military force for which public and political support is a must. Crowd control envisages independent, timely and correct reaction to a situation, experience in command, good judgment, sound organizational planning, logistic support to the force, discipline etc. The challenge of governance is extremely complex in modern societies and gets many times more complicated in an ethnically and culturally diverse society as ours. These complexities call for extremely skilful management of the sentiments of the different ethnic and cultural groups, allowing for their distinctive identities but simultaneously amalgamating their political and economic ambitions in the constitutional framework contemplated and envisaged for this country.

65. Good Governance

- 65.1. Governments are expected to pursue policies conducive to the greater good of the people and through its different branches ensure their security, without in any way compromising the interests of any minority. It needs to be emphasized that this is the bare minimum expectation from the government. This end cannot be achieved only for the sectarian interests of the majority. It is quintessential that while providing for the greater good, the interest of minorities have to be protected. While providing for the greater good of the people, the fundamental rights can not be trampled or tampered with. Partisan interests of strengthening vote banks cannot be the stated overt or covert goal of the government of the day.
- 65.2. Constitutional governance does not admit of advancement of sectional or personal interest through the offices of the state, nor can policies intended to be divisive in nature be enunciated, particularly when the divisiveness of such policies is self evident. Constitutional rights are guaranteed and have been insulated from the vagaries of the state institutions. These cannot be tampered with under any circumstances.
- 65.3. Keeping in view the multicultural composition of the Indian society, the framers of the Constitution had judiciously mandated to construct a secular state. Over time, the concept has been distorted depending upon political inclinations. Denouncing the other as pseudo secular, each political group articulates the letter and spirit of the constitutional scheme of secularism to

suit its own purpose. One and all witness testified the need for secularism even though in practice they may have been conducting themselves otherwise.

65.4. It was put and perceived mostly by the BJP and the other members of the Sangh Parivar that Hindus were divided into many political parties. Muslims constituted one bloc on the basis of religion. Therefore the Muslims had a decisive role in electoral politics, particularly given the dispositions of the populations in different constituencies. Their role was seen as tilting the scales in favour of one bloc or the other in the political process of striving for numerical majority. Political parties try to woo them for elections. The Constitution should not be used as a game of chess, and cannot be permitted to be used or articulated as such. Secularism is the basic structure of the Constitution. Everything cannot be dumped on the ground of political expediency.

65.5. Careful emphasis has been laid by the framers of the Constitution, that the State should not have any religion of its own. The State is required to be neutral. A party or political party seeking power is enjoined not to espouse any religion, lest it becomes the state religion.

66. The genesis of the dispute and the Sangh Parivar

- 66.1. Admittedly the dispute about the disputed structure remained confined to Ayodhya or to the self-proclaimed religious leaders of Ayodhya only as a local level religious issue, till almost 1989. Sometimes in the 1980s, the RSS with the connivance of some staunch Hindus appeared to have started entertaining thoughts that the local dispute could be used for exploiting the same at the national level for advancing their own philosophy it could be used for political ends.
- 66.2. The seeds sown by the District Magistrate in 1949, started sprouting effectively somewhere in 1983, when the RSS leadership started initiating or introducing the local dispute in a big way, though initially not very aggressively.
- 66.3. It was Prof. Rajender Singh, the highest office bearer of RSS, who in association with like-minded persons, brought the dispute out of the hands of the local persons pursuing the litigation, and gave it a name of a “movement for liberation of idols”. The phrase used in the observations made by the then District Magistrate in 1949, in his notes.
- 66.4. In 1983 the VHP and RSS visibly started dabbling in the issue with ulterior motives to gain political capital out of the situation, as later events unveiled. Another predominant fact that emerged was that the leadership of the movement till the demolition remained with the RSS, or the ones who are,

or were, lifetime members or preachers or sympathizers, under the active guidance and advice, or even under the control of RSS.

- 66.5. The VHP and the leaders of the movement claim not to be subject to the control of RSS, still they could not deny their being under the influence or guidance or directions of RSS in the movement. This would be obvious on examination of the various bodies which were formed, with respect to construction of the temple, or disputed structure, or for leading the movement. This aspect is dealt with elsewhere, in detail in this report.
- 66.6. From the totality of circumstances and facts having come on the record, it would be reasonable to infer that at this point of time; they were still testing the potential of the likely advantages which would accrue to the party politically was being tested. Resultantly, it was kept in low profile. Literally speaking, there is nothing on record that a demand was raised for construction of the temple till 1983, or even until sometime later. The dispute with respect to the disputed structure was associated and merged with the other disputes relating to Kashi and Mathura. Even at this stage, the question raised and the demand made, was for the liberation of the idols in the disputed structure. *Ekatamka Rath Yatra*, *Kailash Yatra* too were started for the liberation of the idols in the disputed structure in 1984. There was no threat to the disputed structure prior to 1983/1984.
- 66.7. Briefly, the evidence recorded before the Commission shows that small *Yatras* which were taken out neither met with any success much less major one nor had any impact at any level much less at the national level. The *Tala*

Kholo movement was launched. It started acquiring significance in the context of the national scene, as projected by the media. Selective members of the political parties started covertly dabbling in the Ayodhya affair. In spite of this the security provided in 1949 continued. It can be observed that the object of the police force provided, or of establishing a Chowki in the Ram Janambhoomi Babri Masjid complex, was to maintain peace and not for providing security for the disputed structure.

66.8. From the preponderance of evidence, it can be inferred that there was neither an organized attempt for construction of the temple, nor any such demand was made till 1983. The demand for possession, or right to receive the offerings, or removal of the Receiver and the litigation undertaken by individuals went on drifting in civil courts. The dispute was exaggerated and an imaginary threat to the peace was blown up by an apparently biased District Magistrate. The circumstances and collateral evidence and the letters exchanged between him and the Government, or the notes thereof, suggest the questionable role of the then District Magistrate. In a manner of speaking, this singular action sowed the seeds of heightened communal friction in the future. His action paved the way for diminishing the effectiveness of the writ of the courts in the matter for all times to come.

66.9. Various *Rath Yatras* were stage managed in 1984, to give impetus to the demand for liberation of the disputed structure. In its desire to exploit the political and social potential, the RSS generated momentum for the movement, after decades of Independence. Predominantly, the *Ram Janambhoomi Mukti Yajna Samiti* was constituted in the *Akhara* of Paramhans

Ramchander Dass at Ayodhya, by the Vishwa Hindu Parishad by associating Dau Dayal Khanna as the Convener, with other persons like Nritya Gopal Dass, Onkar Bhave, Mahesh Narain Singh, Dinesh Tyagi, Ashok Singhal, Mahant Avaidyanath, Paramhans Ramchander Dass, etc. All these people were either members of, or associated with, or were under the control and influence of the RSS.

66.10. The claimants to the disputed structure were unsuccessful in their attempts made prior to 1984. The Hindu organizations and believers in Hinduism were thereafter induced to support the movement, as they were of the opinion that it could not succeed without the support of a party at the national level. Paramhans Ramchander Dass³²⁸ categorically stated, “*Since we were of the opinion that the movement cannot succeed ... hence RSS and VHP, believers in Hinduism were requested to do so*”. KS Sudarshan, *Sarsanghchalak* of the RSS stated that the *Ram Janambhoomi Mukti Yajna Samiti* rightly sought the support of the gentlemen of Hindu society. In consequence of it, RSS through its All-India Working Committee gave assurance of its total support. The leadership in the higher echelons was conscious of the powerful and lethal potential of using religion for political purposes, and was not loathe using it. The caste arithmetic in India had cast its shadows on the political scene in India.

66.11. A call to like-minded parties to join the movement was given. In this game of power politics, major role was being played by caste configurations. Almost all the top political leaders who appeared before this commission

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accepted it. It is unfortunate for the country that among the many political stalwarts there was no one who could or would, or who sincerely intended to dilute the rigidities of caste divisions, especially behind the scenes. On the contrary, many used it to build their ideologies and persona, and hence have remained partisan or sectarian leaders.

- 66.12. There is no evidence to suggest that the intentions of the VHP and its allies vis-à-vis the movement, was restricted to expression of religious sentiments and was devoid of political overtones. Expressions were used with definite political gains as the objective. The religious element was either completely subsumed, or became an adjunct of the political agenda. It is not possible for me to delve into the psyche of individuals, as the statements of most of the witnesses enunciated the versions with heavy personal overtones. All the leaders involved at this stage, i.e. Ashok Singhal, Paramhans Ramchander Dass, Prof Rajinder Singh, Dau Dayal Khanna etc., had their own perspective and objectives to achieve, but gathered under a common banner of the religious issue, and kept their intentions or agenda concealed, to be negotiated at the appropriate point of time. Later it appears to have been unfolded as observed in this report, for achieving a political object of acquiring power. Great care was taken to position the movement as one in sympathy with the Hindu sentiment, while camouflaging the political intent and ends of the principal players. Religious leaders were involved, to keep up the façade of the movement being in sync with the Hindu sentiment. In furtherance of their strategy, the VHP convened a *Dharam Sansad* in April 1984 at Delhi, inviting the Sadhus and Sants of their choice irrespective of

the fact whether they had any popular following, or not. The VHP got the endorsement of the *Dharam Sansad*, for launching the movement for liberation of idols in the disputed structure. The VHP constituted *Dharam Sansad*, *Kendriya Marg Darshak Mandal* etc., as various bodies of itself, to achieve their hidden agenda, which especially got exposed when the leadership started interfering, commenting, making demands administratively or otherwise, from the BJP and asking for their participation.

- 66.13. It may be noticed that still there was no demand for demolition of the disputed structure. There was no threat held out openly to the disputed structure. There is nothing on record to show that either the leadership or others took a stand that the disputed structure is a sign of slavery or humiliation suffered by the nation. At the most it can be taken that even the decision taken at the *Virat Hindu Sammelan* as far back as October 1984 at Lucknow, was with respect to submitting a memorandum to the Chief Minister for demanding the opening of the locks only.

67. Bringing the “issue” to the forefront

- 67.1. By 1984 firebrand leaders like Vinay Katiyar, principally an old time RSS *pracharak* along with other local and vocal leaders, started coming out openly on the scene.
- 67.2. The *Tala Kholo* movement was intensified. It created an ambience for consolidation of Hindu feeling. In totality, it added to the emotive caste and religious sentiments and was a further leap towards consolidation of society on the basis of religion.
- 67.3. The leaders of the movement used every tool, be it psychological, emotional, religious, political, use of threat, hope etc., for strengthening and intensifying the movement by using the power of words, writings and media. They fostered conflicts, sowed seeds of disintegration, bred hatred, and created caste and religious divide. Muslims’ loyalty, patriotism, nationalism was made suspect as a suggestive undertone of the movement. All the agencies and their resources, including those of the state or political organizations or institutions in sympathy were used through political rhetoric and suggestive inferences to build the political movement in the name of building sentiments of a particular community. To be successful in achieving their political ends, they used it as an innovative and imaginative platform which unfortunately took the form of an emasculated interpretation of the secular fabric of the country and was packaged to appeal to raw passions mixed with heavy religious overtones. The consequences of this approach were

deliberately overlooked or complacently under assessed, as being of manageable proportions – a display of an extraordinary faculty of complacency, common among leaders of the masses.

- 67.4. The suspended *Ram Janki Rath Yatra* was restarted on 23rd October 1985. In 1986 strident demands were made to open the locks and if necessary by breaking them open before the festival of Ram Navami. It is worth noting that, adding fuel to the fire a declaration was made by Paramhans Ramchander Dass threatening self-immolation, if locks were not opened. From the prognosis of the evidence and his conduct and his speeches, it emerged that he was one of the pronouncedly belligerent, fiery, violent, Machiavellian leaders of the movement. He asserted himself to be one of the earliest initiators and dictators of the movement after 1947.
- 67.5. The currents and cross currents of the demand for opening the locks appear to be characterized by a general air of a 'free for all'. On the one hand, while agitations to press the demand were being orchestrated, one Umesh Chander Pandey, on 21st January 1986, made an application to the Munsif for opening of the locks on the gates in the railing, and on the other hand, it was proclaimed in the conference of Sants at Lucknow, on 19th January 1986, that on 8th March 1986, the struggle would commence. Interestingly, the District Judge hearing an appeal against the declining of application for preponing the hearing of the application by the Magistrate, directed the opening of locks in view of the statement of the then District Magistrate before the District Judge, that unlocking of locks would not be a law and order problem, which was made the basis of the order.

67.6. The RSS welcomed the opening of the locks by passing a resolution, and reiterated its support to the gathering movement. It exhorted the RSS workers and the Hindu Samaj to support the movement. Awakening of Hindu conscience in the entire country was the stated mission. Leaders like KS Sudarshan of RSS were saying, and even stated before me, that Muslim leaders are advising their community to maintain relations with the foreign invader Babar, only because he was a follower of Islam. He went on to further depose that they should not connect themselves with Babar - they should provide to Muslim society of India to feel as the component of a comprehensive national life after getting free from the mentality of separatism - asked for removal of statues of foreign rulers from public places. He continued to hold forth that the symbol of national shame should be removed. The policy of fundamentalism and communalism indicating that even after four decades of independence that they have kept themselves separate from the mainstream of pride was attributed to the Muslim leaders, while others were charged with policy of appeasement of Muslims³²⁹. It is at this stage that the people started noticing that some dispute was going on with respect to disputed structure.

67.7. The public perception of the dispute began to assume noticeable proportions. To counter the growing public rhetoric and claim, the *Babri Masjid Action Committee* was constituted. The Muslim leadership became active and started asserting counter-claims, and made a demand to the then Chief Minister, through its MLAs of Uttar Pradesh to put the locks again. It would be

³²⁹ See CW 18/14 and the statement of KS Sudarshan (CW 18)

expedient to note at this stage, that not a single Muslim from Ayodhya was a member of the Babri Masjid Action Committee. It may be further noted, that no Muslim from Ayodhya much less from the district of Faizabad, much less of any stature or standing, took any active part in the dispute, or ever participated in any negotiation. Reference may be made to the statement of Kalyan Singh.

- 67.8. VHP by constituting a *Dharam Sansad* drew known and unknown Hindu religious leaders into the fray, which in my opinion, was to keep alive or give a boost to the image of the issue as religious. To counter the claim, Muslim religious leadership like the Shahi Imam of Jama Masjid joined the issue and stepped into the dispute.
- 67.9. Soon almost all political players, sensing an opportunity to advance partisan interests also jumped into the fray. They became conscious of political gains hidden in the movement and recognized the significance of the potency of the issue for electoral purposes. The hidden political potential started unveiling itself, when it showed up significantly in its success during polls in 1989 in increasing the number of seats for the BJP in Parliament. Self-seekers in politics, political leaders veiled as religious leaders from either religion, started manipulating their followers for the numbers which matter in a democracy, thereby giving a further boost to the caste politics, concedingly which had entered our democratic process. The respective communities started fishing in troubled waters. The history of the country as well as the Constitution began to acquire extended connotations and interpretations, depending upon the inclinations of a particular group

representing that trend of thought. This was being done regardless of the repercussions and consequences on the public. The attempt over centuries or times immemorial by our preachers and philosophers and thinkers to dilute or remove the evil of caste and religion was set to naught by vested interests. The constitution was manipulated and articulated in the process for acquiring political power. The principal religious issue started getting obliterated of its basic nature. The fundamental and the genetic dimensions of the dispute were rapidly obliterated by the assumed political overtones, which were generated by different political players. The RSS, its allies and supporters however remained convinced of the prospect of definite political and cultural dividends from the shape and size of the movement and the dispute. The state of Uttar Pradesh had also begun to take direct interest in the issue.

67.10. In view of the order to open the locks by the civil court, and thereafter on its execution, deployment of the police force was increased to that of one platoon of PAC, and one company at the Shilanyas site. The police force was not deployed for the security of the disputed structure; rather it was deployed for maintaining peace around the disputed structure.

67.11. The rival claimants, i.e., the protagonists of the temple construction movement, as well as those claiming the disputed structure to be a mosque, i.e., the All India Babri Masjid Action Committee etc., constituted various committees all over the country and put their resources for competitive mobilization – one for construction of the temple, later named as *Karseva* and the second for maintaining the status quo, and protecting the disputed structure as it is, i.e., reverting back to the status prior to 1947. Nobody took

note of the developing, explosive potential of the views and opinions being openly and vociferously expressed and reported in the media. The government chose to leave the matter in the hands of the contesting parties and the courts.

67.12. The movement of *Tala Kholo* and liberation of the disputed structure veered around to the demand for construction of the temple at the disputed site. In order to pursue their demand, the VHP through *Dharam Sansad*, or vice-versa, declared a programme of *Shila Pujan* to further give a boost to the demand for construction of the temple. As a corollary of this programme, a declaration was made in February 1989 that the foundation stone of the Ram Temple would be laid on 10th November 1989. The pro-Masjid group started opposing it. Claims and counter-claims started picking up, which not only created tension between the Hindus and Muslims, but it gave a further impetus to the movement. Inflammatory, defamatory and provocative speeches were exchanged between the two communities. The issue started acquiring significance in the national psyche with the simultaneous hardening of stances of the leaders of the two communities.

67.13. Communal cleavage and tension started building up and the issue started acquiring sensitive and emotional dimensions, on a large scale. The pro-Masjid group decided to go on a long march to Ayodhya and the others decided at Haridwar to oppose it. The Government of India, sensitive to the issue, started initiating steps to diffuse the situation of confrontation, especially relating to the long march by Muslims and the opposition by the protagonists of the construction movement. The Government issued a press

release to the effect, *“The Government is determined to take necessary steps to find an acceptable solution through negotiations and urged upon all concerned to respond positively to the negotiations. The Government offers its good office to respective parties in this respect. In the unlikely event of a negotiated settlement not coming through, the Government would take steps to expedite the legal process through the High Court. I, therefore, earnestly appeal to all the concerned to give up the agitative approach and cooperate with the Government to find an acceptable solution”*.

- 67.14. The Home Minister of India Buta Singh held a meeting with persons like Col. B. L. Zaidi, Khursheed Alam Khan, Syed Shahabuddin, Suleiman Sait, etc. He succeeded to an extent in defusing the situation and persuading the Muslim group to call off the long march. In the process, Muslim leaders demanded the removal of idols from the mosque, that impartial administration at the local level should be installed, Muslims detained under the National Security Act should be released and the Government should take steps to expedite the legal process. They expressed that a solution would not be possible through negotiations, as hardliner Hindus will not accept it; while the *Ram Janambhoomi Mukti Yajna Samiti* took a stand that the question of negotiation on Ayodhya does not arise, and that it is one of the three most sacred places for the Hindus. They averred that the scriptures and historical evidence establishes it to be a temple, elements of Mosque - like minars - are not there, while Hindu religious signs are engraved, and Islam does not permit sharing of mosque. They were of the view that the legal solution to this problem would not be effective, as it related to centuries' old

faith of Hindus. They are not averse to holding talks with the Masjid protagonists provided that they would talk with them.

68. Ayodhya and the surrounding areas

- 68.1. Faizabad is a district headquarters with a population comprising mostly of Hindus and Muslims, at a distance of 10 km. from Ayodhya. It is on a plain terrain. It has lanes and by-lanes, and inter-locked roads with accessible pathways. It is a police range too. It has some sensitive areas around it.
- 68.2. Succinctly it emerged from the site plans placed before this commission and the statements of witnesses, especially SC Chaubey³³⁰, NC Padhi³³¹, Paramhans Ramchander Dass³³², Mulayam Singh³³³ etc³³⁴., that Ayodhya is a religious town. People with religious fervour converge on it.
- 68.3. It is situated at a distance of 10 kilometres from Faizabad. The town is linked with the rest of the country and other towns through national highways, highways, link roads, kuccha roads, railway, ferry etc. It emerged from the evidence that there are six routes converging to Ayodhya town from Kashi, Prayag, Sitapur, Gorakhpur, and Jhansi. There are two main routes by road from Faizabad to Ayodhya though other means to reach Ayodhya by kuccha roads or ferries are available. Predominantly, the main entry to Ayodhya from Faizabad is through the national highway.
- 68.4. Check points were stated to have been installed on record, for entry into

³³⁰ CGW23

³³¹ CGW 32

³³² DW 11

³³³ DW 12

³³⁴ See CGW 23/16, CGW 16/24

Ayodhya at Saryu Bridge, Darshan Pura near the Degree College and College Crossing, near Sadak Ganj post, main road by the side of the *Durahi Kuan* and the railway station; though there is nothing on record to show that they were operative at all. The checkpoints existed only on paper in 1992.

- 68.5. The town was divided into police chowkis in two zones, which are further divided into five sectors. The town was under the charge of a Superintendent of Police, and the zonal in charge were Deputy Superintendents of Police while an Inspector was in charge of the sectors.
- 68.6. *Ram Janambhoomi* had two Chowkis under the charge of a gazetted officer, one Inspector/ Sub Inspector as SHO, three constables and ten Home Guards. They were required to make arrangements for religious, sensitive institutions, the security of the *Karseva*, *Karsevaks*, and communicate with the Control Room, apart from patrolling the area. Chowki *Ram Janambhoomi* had a territorial jurisdiction of four kilometres.
- 68.7. The conglomeration of villages and towns surrounding Ayodhya are Gonda, Faizabad, Sultan Pur etc. It was recorded in the official record, as well as not even seriously disputed, that the *Karsevaks* used to stay in these villages and towns as nomads from time to time, in anticipation of any hurdles imposed by the state for the *Karseva*. The sensitive villages and towns were predominantly inhabited by Hindus³³⁵. It is mentioned in the official record that there are about 29 towns sensitive to communal frenzy, though Kalyan Singh instead of admitting this simple fact recognized even by the

³³⁵ See the statements of D. B. Roy the SSP Faizabad, CGW49 C K Mishra, and CGW50 Harish Dubey, who reported in CGW50/1 about the stay of *Karsevaks* in surrounding areas.

Administration, continued to state that there were no communal riots during his regime, without pointing out any particular steps taken, or the planning made, to prevent the communal riots.

68.8. For the purpose of discussing the security dimensions, it would suffice it to say that there is a *Ram Janambhoomi* complex in Ayodhya which includes 2.77 acres of acquired land. The disputed structure is situated on raised ground, that is on a mound of 30 ft. height in the east and 50 ft on the other sides. It was surrounded by uneven land, temples and other buildings etc., which were levelled in July 1992 by the government as well as the *Karsevaks*, despite the stay order of the High Court.

68.9. There was a huge track near it. There was turf on the western side of the structure. The disputed structure included as understood by one and all, three domes, the *Ram Chabutra* and inner courtyard subservient to the structure towards the east of it. Its length was 75 ft from west to east while the length of the temple proposed to be constructed is 270 x 250 feet with the main gate at a distance of about 250 feet. The site of the Shila Nyas was at a distance of 250 ft. from the proposed main gate which is outside the disputed structure³³⁶. There was a wall on the back of the domes 10 feet to 12 feet high at a distance of 15 feet from the disputed structure. There was a steep 30 feet deep gradient following the wall with 30 ft depression. There were houses, roads and fields after the depression on the back of the disputed structure. There were two main roads, one on the eastern side and the other on the northern side of the disputed structure. A new road was constructed

³³⁶ See the office note in file number 4.200/300/D/89.

to reach the disputed structure and the 2.77 acres of land of the *Ram Janambhoomi* complex for *Karsevaks*. They did not need to go through the bazaars³³⁷. There was no security wall on the northern side of the disputed structure.

68.10. There were three concentric cordons, namely Isolation Cordon, Inner Cordon and Outer Cordon around the disputed structure for security, and for organizing the Darshan by the *Karsevaks* or the pilgrims³³⁸. The security wall 18 ft. wide, known as Ram Deewar was built by the State Government coinciding with the boundary wall of the proposed Ram Temple. It was built below the disputed structure from the south-western end towards the Shesh Avatar Mandir on three sides, i.e. east, west and south, around the 2.77 acres of the acquired land, with varying height of 5 ft. from inside, and six to seven feet from outside. There was no security wall on the north of the disputed structure³³⁹. There was a 10 ft. high wall with three gates in the Outer Cordon with barricades and concertina wires to regulate the crowd³⁴⁰. The Isolation Cordon around the disputed structure has an area of about 200-250 ft. surrounded by 8 feet high wall, with gates for entry and exit in the wall. The area between the Isolation Cordon and the Outer Cordon of about 150 ft. was known as the Inner Cordon. It had piped barricading with an iron door. Frisking used to be carried out here for entry from the Outer Cordon. There were shops, *Sankat Mochan Mandir*, *Shila Nyas*, *Amar Dass Mandap*, huts, with various clear levelled passages. *Shesh Avatar Mandir* was within the

³³⁷ See the statement of CGW 20 Abdula Nasir,

³³⁸ See CW 8/3

³³⁹ See DW 13/21

³⁴⁰ See CW 8/3

security wall. Outside the wall there was Kuber Tilla.

68.11. On December 6th 1992³⁴¹, 10,000 people were staying inside the walled area or near it. The camps of the *Karsevaks* being near the disputed structure, the available space had shrunk to a few hundred yards around the disputed structure. Adding to this was the weak barriers, which had affected security measures adversely. In totality, inadequacy of security was provided to meet the situation arising later. NC Padhi affirmed that the number of persons staying in the walled area varied from time to time.

68.12. There was a highway at a distance of 200 yards from the disputed structure. The distance between the Isolation Cordon and the Inner Cordon was 15 ft. and the Inner Cordon and the Outer Cordon was 150 ft. The security wall was at a distance of 192 ft, while the Shila Nyas was at a distance of 162 ft. from the disputed structure. The *Karseva* was to be carried out at a distance of 200 to 300 yards away from the disputed structure. *Ram Katha Kunj* and open land of about 40-50 acres is after and outside the security wall.

68.13. There is a small structure in this open land, which is the office of the VHP and the roof of the structure is, and was used as a *manch* (platform) to address the public assembled in *Ram Katha Kunj*, through the public address system. It is at towards the southeast corner of it. Camps of the *Karsevaks* known as *Karseva Puram* were at a distance of 330 feet from the disputed structure on the banks of the Saryu River.

68.14. The evidence shows that the *Shesh Avatar Mandir* was rebuilt to

³⁴¹ as pointed out by CGW 32 N.C Padhi,

accommodate about 2000 people. Between the *Shila Nyas* site and the *Garb Grah* about a thousand people could gather while the Isolation Cordon could accommodate 200 to 500 people. In the space of the Inner cordon, 200 people could be accommodated while in the Outer Cordon 1000 people³⁴² could gather.

68.15. *Ved Mandir* crossing is at the corner of the acquired land. One road to this crossing comes from Durahi Kuan, while another road leads to Hanuman Garhi, and to Ved Mandir and the third leads to Faizabad. The entry to the disputed structure was from near this crossing through an opening on the Durahi Kuan road. There were barricades dividing the entry, one for men and the other for women. After going to the Garb Grah, the exit was through *Ragbhar Dwar* on the north of the disputed structure. The exit and entry was half a loop in front of the *Garb Grah*.

³⁴² See statements of CGW 32 NC Padhi, CGW 45 Mohibulla and DW 11 Parambans Ramchander Das.

69. The Shilanyas and the Shila Puja programme

- 69.1. The VHP got the Sants involved in the Shila Puja movement which was supported by the RSS and carried forward through its Swayamsevaks. It got the Sants involved in the movement who used to make supportive declarations in favour of the decision of the VHP to perform Shila Nyas. The other members of the Sangh Parivar intensified the mobilisation drive for it.
- 69.2. A meeting was held by the VHP and the RSS on 26th and 27th at Nagpur, addressed by Bala Sahib Deoras, H. V. Sheshadri, Prof Rajinder Singh, Nanaji Bhiwal. The situation was equated with *The Emergency* and it was said that the *Ram Janambhoomi Babri Masjid* issue is a challenge to the RSS who could alone counter it by organizing the Hindus politically. People were exhorted to support those political parties or leaders who gave an undertaking to work for safeguarding the interest of the Hindus and organizing them politically. Persons like Kanshi Ram, BP Maurya were attributed to be playing a dangerous political game on the behest of the Islamic countries. It was officially recorded³⁴³ by the State Government wherein the activities of the VHP with respect to the Shila Puja were recorded. The movement for the consecrated bricks started catching on.
- 69.3. On prognosis of the evidence it is observed that through strained interpretations and distortions, the use of religious context and religious philosophies were to give innovative labels to serve the ends of the different

³⁴³ on the files in the file noting 4.200/30/D/89

players in the movement. Puritanical texts and liberal thought were ignored, to advance narrow sectarian interests by religious organizations and leaders who should normally have been repositories of received wisdom and superior maturity, but who became oblivious to the fact that the developed distortions could have serious consequences for the integrity of the social fabric of the country. The public discourse on the issue was thoroughly confused through insinuations, laboured illusions and rank distortions, generating a needless controversy in the connotations of Hindu, Hinduism, Hindutva and the identity of a Hindu.

69.4. BJP's strategy for political positioning was being formulated in the context of the implications of the amendments being contemplated after the Shah Bano case judgment and its likely impact on the sympathies of the Muslim voters. The anxiety was enhanced in this regard and consequently the induction of the temple movement was drafted to develop their electoral blocks. Reference can be made to the statement of LK Advani. It can be observed in totality that by 1989 it was too obvious that the movement for construction of the temple with the implicit demolition of the disputed structure had political objectives for acquiring power, though mounted under the temporary banners of religion or insignia of eradicating the memory of slavery. Acquiring political power was at the bottom of all the programmes proposed or observed. Similar object appears to be there for the opponent's claims i.e. the Muslim parties.

69.5. The BJP came out openly in support of the movement for temple construction, *Shilanyas* and *Shila Pujan* by passing a resolution in its National

Executive at Palampur in June 1989, though its important leaders were already covertly supporting the movement. The stage was set to run the dynamics of national political idiom through the Ayodhya movement and taking vantage positions for political gains in caste and religion based politics.

- 69.6. In October 1989, in an emergency session of the Lok Sabha all the political parties excepting the BJP resolved not to participate in cooperate in the Shila Pujan and Shilanyas program. The government tried to persuade the VHP to cancel the programme. The Supreme Court declined to stay the *program* and observed that the carrying of Shilas to Ayodhya cannot be stopped. Despite this the protagonists declined to change the *Shila Pujan* and *Shilanyas* programmes.
- 69.7. The BJP declared that the nature of the temple issue did not admit of judicial determination. It accused other political parties of betraying the sentiments of the overwhelming Hindu majority in the country and accused them of appeasing the Muslims under a veneer of secularism while being inimical to Hindu sentiments. The RSS, VHP, BJP and Shiv Sena proclaimed themselves to be representing the Hindu point of view while accusing the other political parties of running a campaign of slanderous propaganda based on misrepresentation. They demanded that the Ayodhya issue be treated in *para materia* with that of the Somnath temple dispute and demanded the possession of the disputed structure to be handed over to the *Ram Janambhoomi Nyas*.
- 69.8. The *Shila Pujan* was conceptualized and planned by the VHP and carried out

by the RSS and its associates. The VHP and the RSS divided the country into eleven zones and appointed 22 *Sanyojaks*. It was to be carried out at every sub-division and in every village. The *Shilas* were to be brought in a procession to be sent through a *Rath* to Ayodhya. The programme was carried out by the RSS, BJP, Bajrang Dal and VHP who collected more than 3,50,000 *Shilas* and more than Rs. Three Crores for the programme from all over the country. It escalated communal tension all over the country. It was carried out in terms of the agreement and undertaking by the VHP represented by Ashok Singhal with Buta Singh, the Home Minister whereby it was specifically agreed that any courts' orders would be followed in letter and spirit.

69.9. During this period persons bearing a Sadhu-like look or figure, in spite of their being or not being Sadhus and Sants, much less known or renowned, or being small-time preachers, used to travel 20 to 25 kilometres a day to for mobilizing support for the movement.

69.10. It was followed by various declarations and a warning at the Boat Club meeting that any impediment put in the *Shila Pujan* or *Shilanyas* will result in the launching of a bitter and fierce struggle. The workers and office bearers of the BJP, RSS, *Akhil Bharatiya Vidyarthi Parishad*, *Sarswati Mandir Acharyas* and other political activists and youths and students participated in the *Shilanyas* and *Shila Pujan* programme. The Government was conscious of the growing influence of the VHP. Provocative flags were displayed and propaganda by BJP, Bajrang Dal and Shiv Sena was carried out. A note to that effect was recorded in the official record. The Intelligence Bureau of the

Central Government reported the highly fragile nature of the communal situation, the communal violence in view of the forthcoming elections, the inadequacy of the police's control mechanism in the context of heightened communal mistrust and attitude between Hindus and Muslims with the rapidly growing influence of the VHP in Uttar Pradesh, Bihar, Rajasthan, Madhya Pradesh, Gujarat, Orissa, and Bengal resulting in Hindu resurgence. It was reported that bigger and more provocative flags and banners were being displayed in large numbers; there was increasing use of religious symbols and insignia by Hindus and the Muslims. Aggressive steps like collecting and securing weapons in anticipation of violence against them were taken by the Muslims and Hindus. The Intelligence Bureau also noticed new demands of religious nature and the growing nexus between criminals on either side of the border resulting in proliferation of arms, arsenals and gun factories, with increase in financial assistance from Islamic countries leading to conspicuous type of activities like building Mosques, blatant communal propaganda of the BJP and Hindu fundamentalist organizations like Shiv Sena and Bajrang Dal. The IB further noted that Muslims were known to be collecting firearms for protecting the Muslims and the Babri Shrine³⁴⁴.

- 69.11. The High Court of Allahabad observed in its order dated 20th March 1989 that there was no evidence to infer that the Babri Masjid was intended to be demolished. The Government neither permitted nor intended allowing the VHP to demolish the mosque nor was encouraging them. The High Court vide its order dated 14th August 1989 declined to grant an injunction on the

³⁴⁴ *These facts are noted in the official record in the notes in file no. 3/200/32/D/89.*

performance of *Shila Pujan*. It ordered for maintaining the status quo with respect to the property, which included the land acquired, and further desired that peace and communal harmony should be maintained.

69.12. Persons like Paramhans Ramchander Dass, Uma Bharti, and Vasudev Acharya Ramanujam contributed liberally towards the fund. Similarly, it was noticed that funds for Muslims, i.e., for the Babri Masjid Action Committee came from various sources.

69.13. The place for *Shilanyas* was formally selected by the Government as suggested by Vinay Katiyar. He informed the Deputy Commissioner in October 1989 regarding the exact location for keeping the Shilas. The Shilanyas site was declared as not covered by the order of the High Court, which prima facie satisfied all. At the time of carrying out the *Shilanyas* at the undisputed site, force was deployed. Shilas in thousands reached Ayodhya after being carried on *raths* with the monogram of Ram. Ashok Singhal of the VHP laid the foundation of the proposed temple at the spot in front of the disputed structure, at the selected site. Kameshwar Chopal, a *Harijan Bandhu* from Bihar laid the first stone in the presence of international and national media with the blowing of conch shells, reminiscent of the ancient traditions to celebrate victory of armies in battle with heavy religious symbolisms. Bells were rung where lakhs of people had gathered.

69.14. The VHP gave a call for *Karseva* for construction of the temple after the *Shilanyas*. The construction was stopped in view of the impending elections.

Parliamentary elections were held in 1989. The Ayodhya dispute or issue was used as a major issue for campaigning for election by BJP and its associates. The BJP saw some effect of raising the issue in their success at the polls in Uttar Pradesh, Madhya Pradesh, Rajasthan and Himachal Pradesh etc. The Janta Dal and the BJP having contested the elections as a joint venture formed the Government with the support of the Left parties. A number of communal clashes took place in 1989 - 1991. The fact is corroborated by Parkash Singh and even Kalyan Singh could not deny it.

- 69.15. The State sought 160 companies of CRPF with wireless and handheld sets, with 192 to 198 companies required to deal with the law and order problem as they observed that they could not spare more than 50 companies of PAC for the said programme. A detailed programme was put forth for the utilization of the force to the following effect: for interception at District Headquarters, 3 companies each at an average in 25 communally hypersensitive districts, i.e. 75 companies; 2 companies each at 21 communally sensitive districts, i.e., 42 companies; one company each in other 21 districts. For arrangement at Ayodhya, 20 companies with 3 extra companies in each of the bordering districts of Faizabad i.e., 15 companies; 15 companies required to be deployed at Lucknow; 15 companies required to be deployed at the three main routes. It was observed that 27 districts are communally hypersensitive. There was a need for coordination with the neighbouring states. The requirement of putting a ban on taking out trishuls, spears, arms or the provocative slogans, requirement of surveillance on the activities of the undesirable elements, and utilizing the good offices of

influential secular persons was expressed and noted. Against the demand raised for 160 companies, only 60 companies with anti-riot equipment in connection with the VHP programme of Shila Nyas were sent. Out of them 10 were deployed in Faizabad, 5 in Gonda, 5 in Rai Bareilly, 5 in Lucknow, 5 in Sitapur, 5 in Allahabad, 3 in Kanpur, 2 in Jhansi, 2 in Agra, 3 in Meer, 3 in Moradabad and 3 in Bareilly along with 190 companies of Home Guards were deployed in various places. The demand for more and more companies was pointed out. The above facts are so recorded by the State of Uttar Pradesh in its record³⁴⁵.

69.16. There were no barriers of any nature put up in 1989 or before that in the town of Ayodhya or around the disputed structure, or between Ayodhya and Faizabad. Whatever barriers or barricades were there, the object was only to regulate the flow of pilgrims or Karsevaks at the Shila Nyas site or the disputed structure. The facts are too obvious as there is not an iota of evidence on record with respect to any barriers being there. In 1989, two parallel barricades around the disputed structure were erected which were strengthened in 1991.

69.17. At the time of the *Shilanyas* in 1989, the strength of the force was increased to a company, which was later increased from time to time. In July, 7 companies of PAC plus the district police force was deployed though the Government was against using force at the time of *Shilanyas* in 1989. The force deployed during the Shila Nyas was 80 companies of CRPF with 31 in

³⁴⁵ See note in file 1.100/36/D/89.

reserve and 180 companies of PAC with 4 reserves³⁴⁶. The force was equipped with arms, anti-riot equipment, Lathis, ammunition and transport. The Police force available to the Uttar Pradesh State was 1,60,000 of district Police out of which 1,10,000 were earmarked for deployment and the rest were deployed in police stations. There were about 450 companies of Home Guards available to the State for deployment, out of which 30,000 Home Guards were deployed. At the time of Shila Nyas when there was neither any dispute with respect to the site of Shila Nyas, nor there was any objection by the Government or the State about Shila Nyas, rather it was carried out with its consent, nor were the Muslims were seriously raising any objection with respect to Shila Nyas, though they claimed the disputed site as part of a graveyard, but later accepted it to be an undisputed site, one can say that there was no dispute to Shila Nyas at the relevant time in 1989.

69.18. Marg Darshak Mandal, a body of the VHP assumed Shila Nyas as the beginning of the construction of the temple at the disputed structure and exhorted the Karsevaks for the same.

69.19. Arrangements were made with triple barricading of iron pipes near the *Ram Janambhoomi* for the security of the *Shilanyas*, with deployment of 1 company of Central Reserve Police³⁴⁷.

69.20. The State took notice of the fact that the *Bajrang Shakti Diksha Samaroh* was attended by 80 Sants and 8200 to 8300 volunteers and a pledge was administered to about 2000 Bajrang Dal volunteers to make the supreme

³⁴⁶ See file No. 9.200 (5) D/90

³⁴⁷ See file No. 3/200/32/D/89 link file

sacrifice for the *Ram Janambhoomi* temple in September 1989. Provocative slogans raised by the Bajrang Dal activists who were creating an atmosphere of confrontation too were noted. It was further asserted by Mahant Avidyanath that “*Hindu Rashtra came into being the day Pakistan was born*” which assertion was again repeated before this commission by him when he appeared as a witness. Various meetings were held by the Muslims and their declaration that they will not allow the demolition of the structure at any cost too, were taken note of.

69.21. The State was not only in the know of it, but was also conscious of the provocative speeches made on the inaugural session of the *Bajrang Shakti Diksha Samaroh* by Vinay Katiyar, Ashok Singhal, Paramhans Ramchander Dass, Acharya Giriraj Kishore, Jai Bhan Singh Pavaiya, etc. A threat was held out that in case the Muslims created obstacles in the construction of the temple, then Jama Masjid and other mosques would be converted into temples³⁴⁸.

69.22. Open threats by exhorting the dacoits to take to arms for Ram temple were made by Ashok Singhal, Devrah Baba, Harish Bhai etc. Similarly, Dharminder Maharaj in Rajasthan declared that rivers would be filled with heads of people. Parkash Sharma held out a threat that the Bajrang Dal does not believe in saying, but in doing and offering the availability of its workers for the construction of the temple; at the same time, Uma Bharti exhorted people for sacrifice like Rani of Jhansi. Paramhans Ramchander Dass a known history-sheeter of Ayodhya town, apart from being of doubtful

³⁴⁸ See file no 3/200/32/D/89 (*link file*).

reputation lately emerged as a recluse and asserted himself to be the Mahant of the Nirmohi Akhara. He called for destroying the opponents of God Rama branding them as traitors³⁴⁹. Open defiance and threats were held out to deal with the forces that may obstruct the construction of the temple. It was further declared that the movement has to be taken to the streets, villages and students, thereby creating an environment similar to the struggle for the independence of the country³⁵⁰.

69.23. Parkash Singh described the barriers, which were of three types in Ayodhya.

The first type was permanent barrier, which could be opened and closed. The second was moveable barrier with horizontal bars, which could be raised and dropped according to the exigencies. The third type of barrier was of ropes to regulate the traffic or movement of people visiting the area. These were portable barriers. The ropes were there around the disputed structure and sanctum sanctorum, which were later removed.

69.24. The various *Rath Yatras* and provocative speeches had by now not only started breeding communal frenzy, but had taken it to a national scale. Various steps were taken to mobilize the masses and gain their sympathy.

69.25. Sants and Mahants helped in cleverly disguising the issue as essentially a religious one, barely concealing the political motives. Repeated mobilizations helped in raising an army of committed *Karsevaks*.

69.26. Between January and April 1990 a charade of consultations with the

³⁴⁹ Officially accepted in its noting in file 4.200/30/D/89 (link file).

³⁵⁰ See note in file no. 4.200/30/D/89 (link file).

AIBMAC ostensibly seeking a solution through negotiations continued, but the political dimension having been enunciated by the BJP and its supporters was intended to overtake all such efforts and deliberations. With this object in mind and in furtherance of raising the ante, Param Hans Ramchander Dass who had filed a petition in the 1950s, withdrew the pending court case citing delays in the progress of litigation. Seemingly, some courts proceedings were allowed to continue by the other persons who had filed various suits. Since the Central Government led by VP Singh was supported by the BJP, the government was granted leeway to find a solution to the disputed structure, though the decision for commencement of the construction of temple at the disputed site had been taken at Prayag in February 1990. It was declared on 23rd June 1990 that the decision for the construction, date and place having already been taken, would not be changed and which would start from the Garb Grah. The meeting for negotiations was already fixed for 7th June 1990. A committee was constituted led by Madhu Dandavate, who remained silent and inactive.

69.27. In order to lend urgency to the Government's efforts, LK Advani held out ominous warnings that the nation would face the greatest mass movement of the time, if the dispute was not settled amicably or otherwise, or if any attempt was made to scuttle the VHP's stand.

69.28. The BJP White Paper, though concealing in words the emotion generated and the tension hyped between the two communities, included in it, a conclusion and declaration that courts could or would not determine historical issue relating to faith or politics. The principal protagonists

appeared to have been playing ducks and drakes with the concept and dimensions of the issue of temple construction and taking constantly changing positions to suit the context and timing of reactions of the Government, the media and courts. The intensity of emotions was played around with, time and again, depending upon the party leadership's perception of the advantages accruing out of the dynamics of the issue. Thus it was allowed to expand its ramifications through different outlets and organs of the complex politico-social-cultural structures of the BJP and RSS³⁵¹.

69.29. The mobilization of Karsevaks, by all *Karseva* Samities, other members of the Sangh Parivar and leaders, including LK Advani, was undisputed. Mobilisation of the masses on the basis of religion was not only encouraged by the BJP but was carried out by taking out *Rath Yatra*.

69.30. LK Advani declared in September that he would commence his *Rath Yatra* from Somnath on the ninth of October and issued a warning for withdrawing of support to the Union Government should his *yatra* be thwarted. The objects declared by him for the *Rath Yatra* were: I) spreading awakening/awareness about the dispute II) disseminating the BJP's views on this iii) awakening people politically IV) opening the debate on secularism. It may be noted that Advani after due caution observed that the Muslims are not opposed as suggested, but only those who have become expert in using religion for fulfilment of their oblique objects. Simultaneously Vajpayee observed it was a direct challenge to caste and religion.

³⁵¹ See statement of CGW 49 CK Mishra.

69.31. The *Rath* carried the image of Ram, the incarnation of God and who occupies the prime place of reverence in the pantheon of Hindu deities, an image of the proposed temple and the Lotus assigned to the BJP as its election symbol. It was admitted by LK Advani that the *Rath* has a specific significance in Hindu religion and impacts on the psyche of Hindus because of its symbol of divine motion in the religious context. The charioteer of this modern Rath, LK Advani was sought to be characterised as the successor to the charioteer of lord Ram's Rath, Lord Krishna who gave the discourse of *Geeta* on the battlefield of Kurukshetra. The *Rath Yatra* was undertaken to reap the benefits of the increasing religious fervour that had been built up, and during his mass contact and mobilization, taking shelter and recourse to Swami Vivekananda's observations, Advani cited that religion is the soul of India, although Swami Vivekananda's words were in a different context altogether.

69.32. The people's sentiments and fervour were aroused by narrating anecdotes from the epic of Ramayana or about the characters in it during the course of the Rath Yatra. The symbolism associated with the epic was liberally used and interspersed with political and religious metaphors, to create an impression amongst the masses that the cause in which the *yatra* had been undertaken was noble and in the pursuit of realizing the Hindu sentiments. One of the objects of the Rath Yatra categorical admitted was to politically awaken the people. LK Advani explained that he had to correct the religious toned speeches of persons like Pramod Mahajan who used to describe and compare the whole affair with Angad's foot in the Ramayana epic. Through

caricatures, tableaus and verbal allusions, it was portrayed that Lord Ram was in prison within the disputed structure. Some of the political leaders said that it was a cultural issue and did not have religious innuendos, but they could not deny that it had religious trappings.

69.33. The BJP decided to withdraw its support from the VP Singh government after taking out the *Rath Yatra*.

69.34. Ashok Singhal said that the Ram Jyoti was lit in Ayodhya, and the carving of stones for the proposed temple was started at Ayodhya by 31st August 1990.

69.35. The leadership and the Karsevaks apprehending obstruction to the *Karseva*, in view of the declaration of the then State Government opposing the construction of the temple, stationed themselves in the villages surrounding Ayodhya by 30th September 1990. Later on 30th October 1990, quite a number of them staying in the villages were able to penetrate the security net. The Intelligence of UP reported that the RSS was holding secret meetings with respect to *Karseva* and their strategy was making it difficult to get proper and correct information. Similar was the situation in 1992.

69.36. By October 1990 Syed Bukhari said, "*Muslims would not accept any formula.*"

69.37. Simultaneously, the issue involving the implementation of the Mandal Commission recommendations got mixed up with the Ayodhya issue.

69.38. In totality the communal ambience in the country became surcharged. Security around the disputed structure and in the state was tightened. Rakesh

Sinha³⁵² admitted this.

- 69.39. The State Government in 1990 assessed the security, taking into account the call for *Karseva* for construction of the temple and the prevailing belligerent mood of the Karsevaks participating in the movement. On the basis of the intelligence sources, the state and its executive made an estimate of the nature of the threat, extent of the anticipated damage or desecration of the disputed structure or the religious places. The state kept in view the call of *Karseva* for construction of the temple or from various speeches addressed during mobilization, the declaration made with respect to participants in the *Karseva*, force deployed and the bystanders who might be affected. The State was conscious of the defiant and confrontational attitude, of the Sangh Parivar, the organizers of the movement, the protagonists of the movement and of the political parties either supporting or opposing it.
- 69.40. The threat perception to the disputed structure was considered very high by the state. The state and the administration in general took stock of the situation vis-a-vis the stand and policy of the state. The State maintained its official position of not allowing the *Karseva* for construction of the temple and to protect the disputed structure from any damage whatsoever and ensure the implementation of the orders of High Court for maintaining the status quo and secure it against possible assault. The State Government in order to attain the above said objects sought the help of the Central Government. The objective of the security plan in 1990 was total physical security of the disputed premises and the structures at Ayodhya, Mathura

³⁵² CGW19

and Varanasi. The State restrained leaders and activists and contained them, not allowing congregation of frenzied karsevaks in Ayodhya, and prevented large-scale movement of *Karsevaks* towards Ayodhya. The UP State also requested the other States to stop the *Karsevaks* from coming to Ayodhya.

69.41. Barriers / check posts known as ‘nakkas’ were put up between Faizabad and Ayodhya and also throughout the State. Barricades around the disputed structure in Ram Janambhoomi complex, regulating the entry not only to Ayodhya town, but to the *Ram Janambhoomi* complex or the disputed structure were provided. Nakabandi was done in Faizabad, Ayodhya and the surrounding districts. District Magistrates were to ensure that the *Karsevaks* do not reach the disputed structure. Barricades were provided at 7 places between Faizabad and Ayodhya and 15 were provided at *Ram Janambhoomi* complex and the roads leading to it. Nakabandi was carried out around disputed structure on the streets sealing it with wooden barricades. Wireless sets were provided at the police station on the boundary as well as to the police personnel at the various points in the Ram Janambhoomi complex.

69.42. The State provided loudspeakers, wireless sets, fixed wireless sets, mobile sets, hailers, body protectors, helmets, vehicles and other equipment like batteries or generating sets with arrangement for direct connection with control room. Video cameras, still cameras, mobile and fixed wireless sets directly connected to control room were provided at Nakabandi, with a further direction to maintain the records of goings-on in that area. Lighting arrangements at various barriers and points were provided. Arrangements for stay of the forces at the barriers were organized by the State. On each Naka

one DSP, Police Inspector, armed forces was deployed. Transport vehicles were stopped. The State deployed at some places one Head Constable and four Home Guards. Patrolling of the VIP roads was undertaken. Road transport to Ayodhya was virtually stopped while trains passing through the town were diverted³⁵³.

69.43. All passages and roads going towards the disputed structure as well as to the back of the Manas Bhavan were sealed. The Eastern side of the Ram Mandir was closed by strong barricades. On all the points, one Assistant Sub Inspector, three constables and a gazetted Police officer and duty magistrate were deployed. Eighteen companies of PAC were put on duty in Ayodhya. Nakabandi was put under the supervision of three SPs who were also given tear gas squads, ropes, vans and trucks. CCTV was put up at various places within the Ram Janambhoomi complex. Police Chowki and Control Room were set up and were in contact with the Secretariat. Forces were positioned on rooftops and the Bhavan near the disputed structure with a list of residents around the disputed structure. There was a double iron barricade with channel gates, providing a separate entry to the *Shilanyas* site and the Grab Grah. Passage to the disputed structure had an iron gate with Door Frame Metal Detector and sentries posted outside the barricading.

69.44. The security of the disputed structure was provided by establishing four cordons around the disputed structure with deployment of one Inspector, four Sub-Inspectors, two Head Constables, eight Constables, four lady Constables and one company of PAC. In the Inner Cordon, one Inspector,

³⁵³ See CW 16/40.

four sub-Inspectors, three Head Constables, twelve Constables, 8 lady Constables, 16 Constables, four lady Constables and two companies of PAC was posted. Outside the Outer Cordon which was loosely termed as the fourth cordon, mounted Police was put on duty. DSP of Local Intelligence Unit was posted at the disputed structure. Tear Gas squad and bomb disposal squad were put on duty at the outer cordon. Fire unit was stationed at the Durahi Kuan. No person other than Police officers and Pujaris were allowed to go near the disputed structure. No passage around the disputed structure was allowed. Anti-sabotage, anti-mines, anti-explosives checks were provided. No crowd was allowed to collect.

69.45. Attempts were made to stop the recruitment of *Karsevaks*. A list of communal people, anti-social people, and arms license holders was made as a preventive measure. The Police station in-charge was to manage with force deployed. Four companies of PAC with one company of the CRPF along with Head Constables were sent to rural areas around Ayodhya. Attempts to stop the *Karsevaks* from the starting points were made. Local intelligence office was activated. Temporarily jails were made. Sector Commanders were at liberty to ask for additional force. Four companies of PAC were deployed to patrol the 20 kms area of the river. Aerial survey facility through helicopter to check people going by the unspecified routes was deployed.

69.46. The then Chief Minister Mulayam Singh proclaimed that the disputed structure was completely insulated and no one would be able to penetrate it. The other states too prevented the *Karsevaks* from commencement of their travel.

- 69.47. The karsevaks were exhorted by Ashok Singhal, Vinay Katiyar, Parmhans Ramchander Das, S. C. Dixit etc. and despite tight security the *Karsevaks* led by Ashok Singhal sneaked through the security arrangements or cordons and unfurled the flag on the disputed structure in October 1990. This resulted in firing in order to control the karsevaks.
- 69.48. The State Government in 1990 decided to identify and categorise important places. It was also decided to identify fundamentalists whose motive was to lower the image of the country and create resentment and panic among the people, inflame communal passion and communal riots. Contingency plans were provided for security at special occasions and drills were conducted keeping in mind threat perception, ground conditions and their repercussions, requirement of surveillance, anti-sabotage, checks, access control, perimeter protection, availability of striking force, providing trade commandos who can deal with the attacks, making special arrangements for believers, special dealing on special intelligence of security threat, taking into consideration the sources emanating the threat and probability of the threat being carried out to the logical end.
- 69.49. It was recorded officially that Faizabad was sealed from sacrificial karsevaks and Ayodhya was kept in isolation from outsiders. Faizabad was made out of bounds for undesirable elements. Check posts were established. Buses were checked. Checking and blocking was carried out and detained people were sent to jail. Bomb detection squads with dog squads were deployed. A reserve force was sought of 200 companies out of which 50 companies were exclusively for railways and hundred for sensitive districts. In totality, 10,000

officials and forces were deployed with an additional 30,000 Home Guards on duty.

69.50. Administratively the whole town of Faizabad was divided into 10 sectors, while Ayodhya town was divided in five sectors. Traffic and travel control rooms etc were provided. In all two control rooms one at Faizabad and the other at Ayodhya were established one of these was connected with the other states with the Hotlines. Help of 150 companies of paramilitary forces was sought. Two companies of central paramilitary forces were deployed in Ayodhya town alone by 30th of September 1990. It was decided in the meeting of additional DGP, jointed DGP, IG Faizabad that 70 companies of PAC, 20 SPs, 40 DSPs, 100 Inspectors, 300 Sub Inspectors, 300 Commanding Officers, 100 head constables with 200 constables to be withdrawn from each zone and be deployed for the programs of Punch Kosi, Chauhdakoshi, Kartik Poornima and for the program for *Karseva* for construction of temple during the period 26th of October to 2nd November 1990³⁵⁴.

69.51. It cannot be denied that substantial grounds for suspicion about the security of the disputed structure existed especially in view of the mood of *Karsevaks* and their leaders, slogans, past conduct and other circumstances enumerated in the earlier part.

69.52. The Prime Minister VP Singh, on 5th October 1990 in answer to the request of the Chief Minister for help of the administration responded by sending

³⁵⁴ See file number 7/630/GL/90

paramilitary forces and placing them at the disposal of the State Administration. He confirmed that 98 companies of paramilitary forces had already been sent and 82 companies would be sent in four instalments, firstly 29 companies and two platoons, 20 companies in second, followed by the third and fourth. On the 30th of September 1990 there were 50 companies of paramilitary forces deployed in Ayodhya; one hundred companies were deployed in 25 sensitive districts along with 50 companies deployed in other important towns. In addition to the deployment of the paramilitary forces 184 companies of PAC along with 480 companies of Home Guards were deployed. It was observed that ordinarily out of 184 companies of PAC, 124 companies are deployed in the State for law and order, anti-dacoity etc., though in the present situation of the call for *Karseva* for construction of the temple, as a special circumstance, PAC etc. was deployed as above said. It was mentioned that due care was to be taken while deploying the forces keeping the religious predispositions of the PAC personnel who may be carried away by the motivating appeals of the fundamentalist elements or religious emotions or may come under the provocative speeches or influence of the motivated leaders in order to turn against the State administration³⁵⁵.

69.53. Arrangements for preventive detention were made or thought of, on the assessment of Intelligence and threat perception for making preventive detention effective and meaningful³⁵⁶. The state took note of the working of the Vishwa Hindu Parishad whose strategy in the past had been to tactically prolong negotiations while professing to relent, using the time gained to

³⁵⁵ Reference can be made to the note recorded in official file number 7/630/GI/90.

³⁵⁶ So recorded in File No.200 (4) D/90

mobilize maximum mass support and ensure physical presence of its active cadres at strategic places. It was suggested that negotiations should be concluded at the earliest so that adequate time is available for taking administrative action as soon as possible. On 31st August 1990, a meeting was held by the Home Secretary in which DIG (Intelligence)-Laxman Prashad, A.N.Singh-DIG(DGP OFFICE), Shekhar Aggarwal-Special Secretary, B.K. Singh-Special Secretary and R.K. Singh-Joint Secretary participated and following steps were taken: (1) A list of persons of Vishwa Hindu Parishad at country level and State level had already been provided. At district level, a similar list was almost ready and the intelligence Department was asked to complete it by 7th September 1990. (2) The Home Secretary had given his consent to increase in the capacity of jails and for the creation of temporary jails. (3) Directions were issued for the preparation of the list of important sant-mahatmas likely to court arrest. (4) With regard to VHP's declaration of its programme of 31st August relating to formation of Seva Samities at district and sub-division levels, IG-Intelligence was asked to complete the work of preparation of the list. (5) From the point of preventive measures, Police stations were asked to record the sensational and provocative slogans used by political and religious organizations relating to construction of the temple. The Special Secretary was asked to ensure implementation of the above. (6) Delegation of powers was made to organizations other than regular magistracy for maintaining peace and order. (7) The Government's steps and the apparent contradictions in opposing the same by the VHP were to be highlighted in the media. (8) As there were apprehensions of the *Karsevaks* and others carrying trishuls and other

weapons, the DGP and Intelligence Department had recommended a ban on carrying such weapons. The Special Secretary was advised to promulgate the order of banning. (9) The Women's Wing of the Police, Home Guards and the CRPF were to be mobilized to arrest and handle the women protestors should such a contingency arise. (10) After 15th September, Intelligence Department should provide all the information relating to people or important people coming to Ayodhya and their movement and the stay arrangements provided in the villages, along with the deployment of Magistrates in Faizabad. (11) Information to be secured relating to the material to be collected for construction, and on the Architect, Engineer, special workers from where they have to come, and what arrangements are being made for them, from which source, relating to Shilas, cement is being arranged, in how much time, in how many stages; (12) Resultantly, a contingency plan to be developed for sudden action by the Government on any development, to enable the Chief Minister to take appropriate decisions. The contingency plan to be prepared by 5th September, 1990. (13) Muslims organizations should be under continuous observation. (14) In the event of additional force not being available from the Centre, request to be made for alternative arrangements for additional forces from other states. Chief Secretary considered the following aspects: Intensity of the problem, the number of *Karsevaks* and extent of their reactions of *Karsevaks* in case of arrest; preventive arrest of main leaders of the organizations, and the repercussions in the case of arrest, maintaining peace following problems relating to stoppage of pilgrims, construction material, and prevention of entry into Ayodhya of Sadhus & Sants and mahatmas.

69.54. It was anticipated that 1 to 1.5 Lakh *Karsevaks*, 10,000 Mahants and Sadhus would converge to Ayodhya and in case of their arrest there would be likelihood of severe law and order problem as they had the support of the local people. Keeping in view the danger posed by the *Karsevaks* on the date fixed, i.e. 30th October 1990, which was the date for Panchkoshi Parikarma, it was decided that the entry for the ceremony should be prevented to avoid administrative problems. A meeting of the police officers was called on 12th September 1990. While considering the action plan of IG-Security, Faizabad, the facts brought to the notice were the future programme of Vishwa Hindu Parishad and RSS in which lighting of Jyoti, taking out Vijay *Yatra* procession, coming of *Karsevaks* in large numbers to Ayodhya, reaching of two trucks full of stones at a distance of about 2 kms from the disputed structure where a banner had been put, carving work having started, a film with respect to this being prepared for showing to the people. Officers expressed that apart from Vishwa Hindu Parishad, RSS was also associated in this and that these organizations were working secretly and trying to avoid coming to the notice of the Administration. They urged that the coming of *Karsevaks* to Ayodhya be stopped and the Administration should not allow the *Karsevaks* to start from the respective divisions. It was decided that Panchkoshi and Chauhdakoshi Parikarma and bathing in Saryu River be banned. There should be complete preparedness in Ayodhya as the possibility of *Karsevaks* sneaking in could not be ruled out. The district authorities were asked to prepare a final plan for their requirement of the force. Bajrang Dal, RSS and Shiv Sena declared the support to Vishwa

Hindu Parishad. It was surmised that there was a possibility of riots during *Vijay Yatra* and the Government's position could be compromised.

69.55. To meet the situation it was proposed to arrest the *Karsevaks* at district levels especially active *Karsevaks* of Bajrang Dal, RSS, VHP and Shiv Sena, seek public cooperation, deploy workers at village level to propagate government policy, persuade *Karsevaks* not to go to Ayodhya, seal the borders, deploy Home Guards in Faizabad, make arrangements for workers in temporary jails, leadership for the various steps to be provided by Zonal IG's, cooperation and information to be sought from mandals, force to be used where necessary, records of negotiations and information to be maintained, decision about the number of deployment to be taken before 3rd October 1990, transport services to be skeletal in nature and after due checking, publicity of relevant information to be carried out, army help to be sought to deal with the situation of communal riots and reserve duty, flag marches, means of communication to be kept open and available, army not to be to stop the *Parikarmas*, 24-hour hotline with the State Secretariat to be maintained for information, two helicopters to be arranged to be used in Faizabad, wine bars to be closed and trains to be stopped.

69.56. BP Toshniwal, Vishnu Hari Dalmia, SC Dixit, Pingle, Acharya Giri Raj Kishore, VK Shukla participated in the negotiations on behalf of the VHP while the self proclaimed author and one of the oldest agitators for the Ram Temple, Paramhans Ramchander Das, as well as the members of the *Dharam Sansad* and *Kendriya Marg Darshak Mandal* and the Sadhus and Sants were not associated.

- 69.57. During the negotiations, Syed Bukhari declared “*Muslim community will not accept any formula in which the suggestion to put idols in the disputed structure is proposed.*” Similarly no local Muslim was associated in any negotiations.
- 69.58. Negotiations carried out in 1991 at various levels were not apparently making any headway.

70. Formation of the BJP Government in UP in 1991

- 70.1. Elections were declared in March 1991.
- 70.2. The District Magistrate wrote to the Home Secretary, that Karseva has complete political support. The leaders of the VHP and the RSS perceived that everything had to be set for the success of the programme. It was believed that in case of its failure, Hindu organizations will lose their identity in the politics of the country. The BJP accepted the present moment as the most important. It was felt that in case of strict restrictions and their implementation, Hindu organizations would proportionately politically gain. SNP Sinha stated that the VHP called the meeting of the Dharam Sansad at Delhi in 1991. The facts were recorded in the official noting.
- 70.3. Vishav Hindu Sammelan of Hindu sympathizers and Hindu organizations was organized by the RSS and the BJP under the aegis of the VHP in the Boat Club in April 1991. It was an unprecedented gathering of political parties like the BJP and RSS. VHP & RSS self proclaimed social organizations for the Hindu causes. The protagonists of the movement were either directly or indirectly off-shoots or the front face of the RSS. BJP, VHP, BD and other similar Hindu organisations with an object accomplishing or uniting or organising Hindu's and preach Hindu religion were run by the Swayamsevaks under the direct or indirect guidance or control of the RSS. This was literally admitted by KS Sudarshan though a strained effort was made to wriggle out of it. I have already observed that all

the members of the Sangh Parivar inter-se were connected inseparably with the RSS. Despite the fact that various protagonists of the movement proclaimed to be its organizers, it was categorically admitted by Kalyan Singh on oath before this commission that the Boat Club meeting was arranged and managed by the BJP workers. Even LK Advani, an astute icon articulately stated that the rally at the Boat Club was organized by the VHP and the BJP was invited to address it. The banners, “Jo Hindu Hit Ki baat Karega Wohi Desh par raj Karega” were displayed and slogans were raised at the meeting. Promise of Ram Rajya which is synonymous with ideal rule or governance was made. The reminiscent of other evidence too leads to the conclusion that it was a BJP and RSS organized rally. It is not disputed that the banner as referred above in this report too was political. Statement of KS Sudarshan corroborates it. He admitted that the speeches made at the Boat Club are in the records of the RSS and the same would be produced though later they were not produced in spite of his undertaking to do so. Uma Bharti evaded the answer with respect to inter-se relationship of the VHP with Kendriya Marg Darshak Mandal or Dharam Sansad, or named the organisers of the boat club rally. She admittedly was a member of these organizations. Ashok Singhal categorically admitted that the above institutions were floated or constituted by the VHP, who used to settle their agenda, call their meetings and execute the decisions. They had no legal entity.

70.4. The BJP formed the Government in Uttar Pradesh by May/June 1991.

- 70.5. All possible attempts were made to veil the real intention of the leadership of the movement or its icons, the local leadership or the political leadership under the RSS who was the driving force behind the entire movement. It had a countrywide network of Swayamsevaks trained under the guidance of experienced retired officers and others ideologically aligned with the political thought and philosophy of the RSS, preached for decades.
- 70.6. It is not for me to observe or comment on the intrinsic logic and cogency of the line of thought and cultural ideology of the RSS and its affiliates. It would not serve any purpose in the context of the terms referred to the Commission. However, I am constrained to say that the theme of the temple issue and its surrounding circumstances were adroitly built up, developed, astutely motivated to link the creation of the political space for the BJP for embedding its ideology in the minds of the general masses, and securing a large political place for itself in the electoral arithmetic of the country. The orchestration and management of the political ethos and circumstance was managed by the RSS, LK Advani, Atal Behari Vajpayee, other members of the RSS and the BJP and notably Kalyan Singh, K Sudershan, HV Sheshadri and Govindacharya. It was backed by an array of resolutions by the RSS and BJP. The *Rath Yatra* was used as a convenient device for acquiring political power.
- 70.7. Kalyan Singh, an accomplished politician with educational background and well-trained RSS Swayam Sevaks, sought to gloss over the truth by stating that the movement was started by Sadhus and Sants, supported by the VHP

when the movement was conceived, nurtured and carried out by the RSS and its frontal organizations like the VHP.

- 70.8. The BJP attributed its victory in the elections to its election manifesto for the construction of the Ram Temple at the disputed site. It is well-known in the world of politics that imagery is crucial to communicate with the rank and file. Kalyan Singh stated that no slogan was raised by him when he visited Ayodhya after assuming the office of the Chief Minister, which is in fact a cautious and articulated answer capable of conveying that he himself has not raised the slogan while simultaneously not denying that the slogans like, *“Ram Lalla hum Aye hain and Mandir yahin Banayenga”* etc., were being raised in his presence. The slogans were in conformity with the Election Manifesto of the BJP. The fact was not only widely reported and written about, but it predominantly emerges so from the body of evidence led before me.
- 70.9. The stated position of the BJP as it emerges from its later conduct and pronouncements both during BJP led governments, as well as within BJP as a political party, was that it construed its success in the polls as an electoral mandate for construction of the temple after removing all hurdles. It was because of its manifesto or the issue of construction of the temple, that people had returned them to power. It was their democratic duty or obligation to fulfil their election promise to their voters and construct the temple at Ayodhya.

71. BJP's Success in the elections

71.1. BJP secured an absolute majority in the election in the Uttar Pradesh Legislative Assembly, while it secured only 116 seats in the Parliament. As given out in various statistics BJP secured 25 per cent of the popular votes polled at the national level. A theory was propagated not only before this commission but also after their success in the elections to the Uttar Pradesh Legislative Assembly that it was the mandate of the people to the BJP to build the temple in Ayodhya while other organizations or political parties were working to ensure that the BJP did not redeem its electoral promise. It was emphasized and declared that the BJP would not budge from its electoral promise of construction of the temple³⁵⁷.

71.2. The IB pointed out in March 1991 that there was an imminent threat to the Babri Masjid structure from the activists of the temple movement. The BJP Government used to proclaim that it had the will to protect the disputed structure irrespective of the political party forming the government. A security plan³⁵⁸ was sent to the DGP VK Jain and the same was acknowledged by SP Sinha³⁵⁹. Comments of SSP Faizabad on the security plan of the IB were sought³⁶⁰. The comments of CK Malik too were sought

³⁵⁷ Refer to the statements of Acharya Dharminder Dev, Sikander Bakht, S C Dixit, S. B. Chavan, Kalyan Singh, Vinay Katiyar, Murli Manohar Joshi and CW 4/4 made in Parliament, before this commission or in the media.

³⁵⁸ CGW 12/27

³⁵⁹ CW 12, vide CW 12/28

³⁶⁰ CW 12/29

on 21st March 1991³⁶¹. Reminders for comments were sent from April to June 1991 to IG (Security) or DIG Faizabad or the SSP³⁶². Godbole³⁶³ stated that the Security Plan was prepared with the participation of Home Secretary, DGP of paramilitary forces and Director IB etc. Various suggestions including construction of a security wall, restricting the convergence of people to the disputed structure etc., were made. The SSP sent his comments³⁶⁴ on 27th March 1991. The SSP in his comments broadly agreed with the existing security and the Security Plan of the IB and suggested that in addition to this another fence should be fixed on the outer side, concertina wire should be filled in between the two. Concertina wire needed to be placed at a few places. There was only one fencing for a long distance on the road going from the main gate towards the Durahi Kuan while double fencing was needed there. He found large gaps through which a person could enter inside though there were barbed wires around the whole disputed structure. A strong gate needed to be constructed in front of the collapsible gate which was missing. Construction of watch towers with floodlights was agreed upon. Police control room and latrines were the weak points / spots for security which needed to be secured with concertina wire, gaps needed to be sealed and it needed double barricading. Telephone poles and trees needed to be wrapped with barbed wires. Wall needed to be erected on empty spaces, sentry posts at the edge of the outer wall to be put up a little further away and stairs needed to be protected. It was pointed out that

³⁶¹ *vide* CW12/30

³⁶² *through* CW12/31, 32,34,35,36,37,39,40

³⁶³ CW 13

³⁶⁴ *through* CW 12/33

since the type of barriers at Durahi Kuan and Ved Mandir were of no use therefore stronger gates should be constructed. It was suggested, since one and half section of PAC reserve was not sufficient in the Control Room, a platoon of reserve mounted Police, one additional SP and Zonal officers should be posted.

- 71.3. The requirement of additional SP and three DSPs with gazetted officers on duty for all 24 hours was stated. Apprehending ambush attacks the need for more wireless sets and posting of mechanics for the repair of metal detectors was also felt. Not fixing up of iron barricades and chain between them and putting of wire mesh on the windows was pointed out. Fixing the duty of the constables on the rooftops was found to be insufficient. SP stated that trained bomb disposal squad should be there along with *malis* to clear the bushes and trees.
- 71.4. Deployment of half a section of PAC on duty was desired all the time apart from allocation of more force in Police stations and appointing of additional staff of Local Intelligence Unit. More powerful electricity transformers, additional generator, fire fighting equipment, and torches for the sentries were sought to be sanctioned. On 27th March 1991 the comments of DIG Faizabad were asked for on the report of SSP. DIG Faizabad sent his report and comments³⁶⁵ on 16th April 1991. He had inspected the site and gone through the assessment of the IB pointing out insufficiency of security in case of attack by mob due to non-existence of compound wall, improper fencing of parameter, larger distance between the barriers, insufficient

³⁶⁵ *vide* CW12/38

availability of Police in the complex at a time, the weak barriers on the road followed by crowd coming from side complex, failure of electricity, fire and erosion due to natural factors. He agreed with the comments of the SP on the above factors. He stated, digging of deep and wide trenches outside the perimeter fence would be necessary. It was found necessary to increase the staff of Local Intelligence Unit, the need to increase allocation of force to Police stations and providing the additional PAC. He pointed out the necessity of preparing a contingency plan with respect to the dilapidated conditions of the disputed structure. SP and Zonal officers inspected the area in order to strengthen the security on 25th April 1991 and made suggestions³⁶⁶.

- 71.5. Deficiencies in security in addition to the comments of IB report were pointed out as follows: requirement of providing double barricading from Main Channel Gate to the rear of the gate of control room with fixing of concertina wire, present gate was incapable of holding offensive crowd during peak times, need of strong gate on road between Manas Bhawan and Shakshi Gopal Temple, whole of the road to be closed and passage for letting in one person at a time to be provided, requirement of fixing of barbed wire on the boundary wall of Shakshi Gopal Temple which is in front of the foundation site and towards Manas Bhawan as one could reach the side of the disputed structure by jumping over the wall, fixing of pipe barricading from transformer to South-West corner towards Kuber Tilla, fixing of barbed wire from transformer to CRPF camp, erection of iron gate on Southwest corner

³⁶⁶ *vide CW 12/52*

where there is a way to Kuber Tilla, providing 10 sentry sheds and 4 Sentry posts on *Parikarma* behind *Ram Janambhoomi Babri Masjid* site, construction of wooden sheds for Sentry posts, construction of five Latrines near Summitra Bhawan because otherwise people could jump and go inside, encircle trees and poles by barbered wire as they could be used to jump inside, construct sentry sheds at staircase, construct the iron gate on road going towards Kanak Bhawan just opposite Manas Bhavan from front side of Channel gate in order to stop crowd coming from side, necessity of barricading of Fire Brigade, transformer, generators etc, need of iron gate opening towards the *Ram Janambhoomi Babri Masjid* from the side of Manas Bhavan to be made strong because crowd could easily break it, need for immediate filling of cracks in the wall from main Channel gate to gate behind control room, need of sandbags as old ones were torn, chairs and tables to be provided for VIPs, air conditioning of control room and providing of false ceiling under tin shed at main Channel gate as during summer it becomes impossible to sit there.

- 71.6. It was specifically pointed out that barriers already fixed were not sufficient to control the increasing crowd bent upon violence. SP addressed another letter on 25th of May 1991³⁶⁷ to DIG pointing out that after the departure of the untrained sub inspectors posted before elections the remnant strength declined to barely one or two sub inspectors against the needed complement of 17 to 18, similarly out of three companies of PAC one company was left behind after election, bomb disposal squad too had been withdrawn which

³⁶⁷ CW 12/53

was required 24-hours. Inadequacy of force was apparent. It was pointed out that no action on the recommendations of the IB was being taken. PAC sent on election duty was sought back as the election was postponed so that picketing at Rang Mahal, Manas Bhavan, Kuber Tilla, Sita Rasoi, Durahi Kuan etc could be strengthened and the control of Ayodhya and the sanctum sanctorum could be restored. It was pointed out that even CRPF had been withdrawn.

- 71.7. Need for changing the security arrangement which was continuing since 1990 as apprehensions of attacks being planned to capture the disputed structure with a view to create religious frenzy during elections or afterwards was pointed out. Making arrangements of mobile squad, CCTV at *Ram Janambhoomi* complex and at the site was sought. It was mentioned that Vinay Katiyar and many leaders of BJP made declaration in Ayodhya and Faizabad to the effect that if their party gets a majority, they would demolish the structure and throw it in Saryu river and will take oath of office only after that. Need for strong security arrangements so that acts of antisocial elements could be dealt with was expressed. Comments of SSP and DIG were sent to DGP³⁶⁸ on 18th of June 1991 with a request for taking immediate steps for security in the complex on each and every point suggested by the IB³⁶⁹ as the recommendations needed discussion at government level. It involved policy

³⁶⁸ CW 12/41

³⁶⁹ vide CW 12/42

decisions and financial approvals. The statement of CK Mishra³⁷⁰ may be referred to.

71.8. By his visit to Ayodhya and his acts and conduct immediately after assuming office, Kalyan Singh made it clear that the old days were over. A categorical signal was sent by the declarations, assertions and the steps taken by him and his handpicked officers that *Karsevaks* would receive welcome treatment henceforth and *Karseva* would not be as it was on earlier occasions. The new government meant business and was serious about constructing the temple in place of the disputed structure.

71.9. The security wall was constructed by the Government in 1992, in conformity with the boundary wall of the proposed temple according to the plans drawn up by the VHP, which was no coincidence. Even the name given to the security wall was *Ram Deewar* both by the State Administration as well as the protagonists of the movement which fact was never refuted by the State. In fact, the State Government from time to time by its various acts, deeds and conduct, expressly stated that the construction of the wall was the beginning of the construction of the temple by the government of BJP. It is a well thought pre-planned act of State.

71.10. After the visit of Kalyan Singh to Ayodhya, the sleepy hermit town not only became religiously hyperactive, but the whole state appeared to be in sync with the fervour being built up by the Party, its affiliates, and the religious activists, with Government prevaricating from time to time. It was holding

³⁷⁰ CGW49

several contradictory positions of going ahead in mobilizing for *Karseva*, or *Karsevaks* for construction of temple at the disputed site, while simultaneously proclaiming that it is duty bound to protect the disputed structure, and in the same breath declaring that it would fulfil its electoral promises.

- 71.11. The land was acquired for the construction of the temple in the garb of development of a Ram Katha Park. The State was allowed to take possession of the notified land and to make arrangements for the purpose notified but no structure of permanent nature was allowed to be put up thereon although structures of temporary nature were permitted. The taking over or possession was made subject to further orders of the court and the acquired land was ordered not be transferred or alienated.

72. The dismantling of the security apparatus

72.1. It is not easy to delve into the minds of human beings and even more so where human hearts nurse various ambitions including political ones, but facts and circumstances are important pointers to infer from, and throw light on the intentions and consequent actions of men and women. The acquisition of the land was motivated by considerations which had nothing to do with the development of tourism. It was only an ostensible reason with a clear ulterior motive to create a new unalterable *status quo*, which would be seen as fulfilment of the election manifesto of the BJP government in power, with reference to the temple construction issue. The state, its leaders and the government officers concerned spoke, with a forked tongue taking shelter behind a thin veil.

72.2. The intention becomes abundantly clear when the State and its leaders sought to lease the land in perpetuity to Ram Janambhoomi Nayas, the frontal body of the VHP for construction of the temple for a paltry amount of One Rupee and that too to just one party. Kalyan Singh stated that the land was acquired with the consent of the VHP. It was accepted in the BJP White Paper that the object of acquisition was to make the land available to the Nayas for construction of the temple, though that substantial area abutting the structure and access to it was left intact. It was proclaimed that 2.04 acres out of 2.77 acres belonged to the VHP only. It was stated that the object of acquisition was to avoid a later title dispute. He admitted having

not stated so before the High Court when their acquisition was under challenge.

- 72.3. Kalyan Singh gave no explanation about the camouflage except saying that it was not necessary to disclose anything at that stage. Intention of the acquisition gets further obvious and clear when the land was acquired for the temple on the demand of the so called Sadhus and Sants, Vinay Katiyar, Ashok Singhal and other VHP leaders, who were having a feeling that the government of the time was theirs and for them.
- 72.4. The bureaucracy fully understanding the nuances of the language and the requirements of the statute, with the intention to please the political executive provided all means and collaborated to cover their acts for achieving their hidden agenda. It misdescribed the object of acquisition which was in fact the construction of temple.
- 72.5. AK Saran³⁷¹ stated that the land was acquired for the tourist complex while SP Gaur³⁷² admitted it to be otherwise. It was oblique and dishonest governance, bereft of constitutional obligations and befooling the people whom they were required to serve transparently. It was in fact a breach of faith reposed by the public, with the objective of acquiring and retaining power alone. Kalyan Singh in his statement before this commission stated that the urgency for acquisition was the first anniversary of *Karseva* falling on 2nd of November 1991 and building the temple on 30th October 1991, Birhad of Parikarma on the 16th and 18th of November 1991. For making the

³⁷¹ CW8

³⁷² CW9

necessary arrangements for the same by providing amenities for the large influx of pilgrims, the urgency provisions for acquisition were invoked since a delay would have frustrated the object and purpose of the acquisition.

72.6. It may be observed here that the pilgrims and *Karsevaks* have been referred by witnesses carrying two different connotations. One represents pilgrims who go to Ayodhya voluntarily on festivals, while others called *Karsevaks* are brought in hordes as consequence of mobilization for *Karseva* for construction of temple.

72.7. Brahma Dutt Divedi, Lal Ji Tondon etc., though not concerned with the security, participated in various conferences and meetings about Ayodhya where they tried to persuade even the Home Minister of India to scale down the security. The Home Secretary joined on 1st August 1991.

72.8. In July the piped barricade cordon in front of the Ram Janambhoomi exit gate and 5 barriers from feeder road were removed which resulted in reducing it to one barrier on the rear and southern side of the structure. The fencing under the barriers was removed. The dumping of earth reduced the effective height of the fencing and rendered it ineffective³⁷³ and thereby facilitated easier access to the disputed structure. The laying of underground telephone lines for the Dogra Regiment was stopped. The various suggestions for the security made and noticed in my report were consistently and consciously ignored. Even the DGP's suggestion for removal of iron poles near Shila

³⁷³ See the statement of CW 14 Parkash Singh DGP.

Nyas site and shifting the same near the wall was only recorded in the official files and never acted upon..

72.9. Decisions were taken for the upgradation of security measures and dealing with the communal situation, including the installation of doorframe metal detectors on the gates of the security wall, providing a separate passage for carrying construction material going to Shesh Avtar Mandir, providing funds to the District Magistrate, Faizabad, for increasing the height of the security wall, constructing eight watchtowers, providing an additional generator, installing dragon lights, installing channel gates at the entry points for devotees, strengthening the barricading, stationing PAC Company in Inner Cordon, providing funds for expenditure on lighting arrangements in the *Ram Janambhoomi Babri Masjid* complex in the budget of the Home Department, creating five additional posts each of Magistrate and DSP for supervising security arrangements.

72.10. Consequent on the acquisition of 2.77 acres of land demolitions were carried out and temporary structures were built³⁷⁴. It was mentioned in an official note that Murali Manohar Joshi visited the site and stopped the ongoing which were in violation of the courts' orders. This was patently false as the Police reports of the time show that Vinay Katiyar and his allies carried out the demolitions of the structures existing on the acquired site with a view to facilitate subsequent construction and *Shilanyas*.

³⁷⁴ recorded in the government documents dated 10th October 1991

72.11. It was recorded in official notings that the District Magistrate sought clear directions and guidance from the State for security on 16th October 1991, in view of the program announced by the VHP for construction of the temple. In continuation of the letter, which was not produced before me, a Radiogram dated 19th October 1991³⁷⁵ was sent by District Magistrate and SSP, Faizabad, to the Chief Secretary, Home Secretary, DGP, I.G. (Intelligence) of the Government of Uttar Pradesh, the Commissioner and to the DIG, Faizabad. It was mentioned in the radiogram, that as informed earlier on the telephone on 18th October 1991, Vinay Katiyar, MP, Faizabad, Laloo Singh and Sant Ram Dewedi, both MLAs, were carrying out the demolition of the buildings and Sankat Mochan Temple etc., which were in occupation of the various persons named therein, and were alleged to have been transferred by them to the *Ram Janambhoomi Trust*. It was specifically mentioned that the buildings etc., standing on the land were a part of the disputed land in the original suit of 1961 of the Wakf Board. In order to comply with or enforce the government's clear order to protect the disputed land at any cost, additional adequate forces may be rushed at once to Ayodhya, because it was probable that subsequent similar attempts would be certainly made in the days to come to demolish some of the other structures in the disputed land and to start construction of temple as per the announced programme of VHP. Desirability to consider government communicating with VHP etc., at their level in the larger interest of law and order too, in view of the telephonic talk between Chief Minister, Revenue Minister and Energy Minister was pointed out.

³⁷⁵ DW5/13

72.12. The Principal Secretary (Home) Prabhat Kumar maintained an ambivalent attitude with a view to let political intent dictate the circumstances. Referring to the note of Shekhar Aggarwal Special Secretary (Home)³⁷⁶ and after noticing that the land acquired by the tourism department fell within the ambit of the status quo order of the court, he ordered examination of the orders of the Courts to see if they have been violated. He took notice of the fact that the district administration had categorically pointed out that people were taking away the debris with the help of the VHP men after demolishing the buildings near the Shila Nayas Sthal and Sankat Mochan Temple where the idol of Hanuman Ji was installed. The opinion of the district administration was that the demolition and acting in such a manner amounted to violation of the Court's order. It was mentioned in the note that as pointed out by the district administration, carrying out demolition around the disputed structure or the *Ram Janambhoomi* complex could cause danger to the peace, and could create a law and order problem. The Central Government's apprehension about the volatile situation arising out of the land acquisition was known to him.

72.13. The security steps have been outlined earlier as well but need to be recalled in the current context. Security was provided for manning the Outer Cordon, ensuring access control, providing striking reserve deployed around the temple complex and road barriers. Ram Janambhoomi Babri Masjid Police station was provided with one SHO, 3 HC, 12 constables for staff was likely to be augmented after full sanction was received from government. The C.O.

³⁷⁶ DW 5/13

was made responsible for security with one Deputy Commandant, 3 DSPs of PAC made available to him being on duty in the complex. Only one Sub Inspector of the Local Intelligence Unit with the assistance of one Head Constable, that too according to the need as the sanction of the full complement from the State was awaited. Fire extinguishers with additional equipment were to be sent from the district headquarters, 2 CCTVs were provided and four were awaited, to be made available on sanction. It was pointed out that the public address system had been installed which was factually incorrect as admittedly the only public address system in the complex had been installed by VHP. Portable wireless sets were made available with one static set, ten dragon lights, generator set, tear gas squad, mounted Police, and floodlights for the entire Ram Janambhoomi Babri Masjid Complex. Rotating lights, night vision binoculars were needed to be sanctioned by the State.

- 72.14. For providing of electronic poles, with respect to perimeter wall, chain-link fence, pressure sensors, infrared beam pillars, anti-sabotage and mines were to be decided after a meeting on 22nd October, 1991. The information by the DIG (Intelligence) U. P., informing that the security presently being done on the ground was strong, cordons are in position, five effective barriers are there on roads, thorough frisking and checking is being carried out and the Police is maintaining effective control, was put on record. An attempt was made by the Home Secretary to avoid categorical directions by observing that the Legal Remembrancer in principle opined that despite civil suits and dispute the State Government had got a right to acquire the land, and to see

whether the orders of the Court have been violated or not, is the job of the Tourism Department. He further observed that it required to be determined that the site where demolitions were taking place fell within the four corners of the Court's order, and if some people were violating it by themselves, and if so, was it the duty of the State Administration or the state of U. P. to stop them? He suggested that the district administration be told that the government is of the clear view that the government and its officers should not violate the Court's order in any manner and keep up its respect. To fulfil this object all possible steps in this direction should be taken. It could not be expected that an officer of such a high level would even give a second thought or imagine any doubt about the State's duty to implement the court's orders specifically when the State itself was a party to it. The State cannot take shelter behind the veil that demolition was being carried out by the people by themselves and on their own. The implementation of the Court's order cannot be denied to be one of the State's pious duties or a constitutional obligation.

72.15. The Home Secretary prepared the record facilely and pretentiously to meet the legal requirement for some later eventuality. It may be noticed here that the District Magistrate Net Ram, and SSP Faizabad BM Saraswat, reported the above facts, and they were later transferred within two or three months of sending the report.

72.16. It was recorded that ten companies of CRPF were sent to the State on 22nd October 1991 for deployment to deal with the situation in Ayodhya vide letter dated 20th October 91 which was in fact requisitioned for the purpose,

still the State diverted the force to deal with terrorist activities and communal tension etc., and to which the Central Government objected.

73. The last quarter of 1991

- 73.1. Chief Minister Kalyan Singh was confronted with the press reports to refute his theory that everything was being done legally and demolitions were taking place with the consent of all. It was categorically published that the strong arm tactics were adopted by VHP for taking possession of Shakshi Gopal Temple near Ram Janambhoomi Babri Masjid complex, which had forced the Mahant of the Temple to seek the protection of the Court. VHP was out to destroy the very religious fabric and tenets of Hindus, and has forced the Sadhus in possession of the acquired land to flee from Ayodhya. It was to give an impression that everything was being done by consent. It was reported that Sankat Mochan temple was demolished despite the Stay granted by the Allahabad High Court. It was further reported, that pre and post demolition events lend credence to the conclusion, the VHP had so far used the local Sadhus and Sants, and those who did not see eye to eye with Paramhans Ramchander Das, Vinay Katiyar, Ashok Singhal, Giriraj Kishore Acharya Vamdev and the other Sangh leaders, for achieving their political ends of the BJP or the Sangh Parivar or RSS were hounded out since their utility was over. Their protests were consciously and continuously ignored by the political executive, police and the local administration on the pretentious ground that there was no formal complaint ignoring the totality of circumstances of their inability to do so.

- 73.2. Vinay Katiyar the local BJP MP used threats and the local police for getting temple and buildings vacated in the surrounding area of the disputed structure. The administration was working under the guidance of the VHP leaders Ashok Singhal, Paramhans Ramchander Dass, Vinay Katiyar, Acharya Giriraj Kishore etc, Vinay Katiyar and Circle Officer called Mahant Ram Kirpal Dass at Ram Janambhoomi Police outpost and advised him for giving up the possession before it was too late. Kalyan Singh Chief Minister instead of reacting to it and not even denying the facts stated, God knows how many stories are published in the newspapers and that there was no need to refute them or for taking any action on the reports particularly when no complaint was lodged.
- 73.3. Two to three Lakh visitors were expected during the *Parikarma* on October 3. Therefore a warning of caution on Diwali was issued. The SSP was asked to ensure coordination of the PAC and CRPF to achieve the desired objective of adequate security. It was further advised that in order to prevent any emotional biases developing in the uniformed forces, the SSP should address the force twice a day. Security was reviewed.
- 73.4. The DGP took a meeting on 21st October 1991 about the security attended by Additional DGP (PAC), Additional DGP and IG (Intelligence), IG (Lucknow), IG (CRPF), D. I. G. (Security) and AIG etc., and decisions were taken with respect to security . It was observed that since we were apprehensive about security in view of the past conduct and because of the call given for 30th October 1991 and 2nd November 1991, consequently DGP directed in the meeting that the existing barriers around the disputed

structure be maintained. The following other decisions were taken i.e., to obtain the wide spectrum explosive detectors from Delhi, a company trained in unarmed combat be positioned, that CRPF should come with cane shields and body protectors, that teargas squad, rubber bullets firing squad, ADM, SPs, Commandants to be made available round the clock, availability of the Magistrate be ensured, frisking at Ayodhya should be done by civil Police not by CRPF, IG Lucknow Zone and Intelligence should go to Ayodhya on 22nd October 1991 and check the adequacy of security.

- 73.5. Prior to 27th October 1991, taking of photographs in and around the disputed premises was prohibited. In the presence of the Chief Minister a decision was taken to grant permission for taking photographs in the daytime.
- 73.6. VHP decided to place a saffron flag on Shilanyas premises. It was recorded in the office note.
- 73.7. The Administration was directed that no flag be permitted to be hoisted on the disputed domes. The premises be checked without delay for explosives and mines etc. The disputed premises and Shilanyas site be separated with double barricading with gates and deployment of Police force so that nobody is able to go from Shilanyas site to Garb Grah. All frisking was to be stopped, gates to be secured with locks and concertina wire to be put in the barricading, the force to be provided with strong padlocks to secure the gates. There was apprehension that large numbers of people would descend on the site and may start construction on sudden provocation at the disputed

structure or damage it. Sufficient force was asked to be deployed to deal with the situation, as far as possible without using force or resorting to firing. Despite the official note observing the decision prohibiting against force, in the presence of the Chief Minister he stated that decision was only taken in 1992 December. It emerges from the evidence beyond any doubt after coming in power of BJP, the Chief Minister expressly directed the Director General of Police not to use force against the karsevaks or the organisers of the movement. Apart from this, the state administration and the executive as well as the BJP and the movement leadership expressly and by every means at their disposal sent a categorical message that no force would be used against the karsevaks. The ambience of the previous government stood obliterated and the karsevaks would be welcomed and treated with respect. They would have a free field day as they desired. I have got no reason to disbelieve after analyzing the evidence that Parkash Singh, who categorically stated that the then Chief Minister Kalyan Singh orally ordered him not to use force on the karsevaks. He pointed out that it was for the Home Secretary to put this on the official record as it was ordered during the meeting with the Chief Minister. But for obvious reasons, he consciously withheld it from the record.

- 73.8. On the 30th October 1991 the *Karsevaks* after evading the security cordon unfurled a saffron flag on the domes. They tried to damage an outside wall of the disputed structure by removing some bricks. The state apprehended that despite the flag having been removed and the attempt to damage having been foiled, still incorrect facts could be publicized by the political communal organizations to incite communal violence. The false propaganda by them

could not be ruled out. It needed a vigil for forestalling and contradicting the false propaganda. The Principal Secretary (Home) issued a circular to the District Magistrates desiring them to bring to the notice of the people that no damage has been caused. It was further required that the intelligence machinery be geared up to collect information about the design of those political and communal elements who may try to exploit the situation to their advantage³⁷⁷. A hypocritical circular was issued - the government and the political party themselves had the same objective for which the flag was hoisted. They impliedly accepted political and communal trappings in the demand for construction of temple at the disputed site.

- 73.9. The government having agreed to allow 500 to 1000 people gathering at Shilanyas site and the Martyrs Day celebrations. In view of this, RC Aggarwal³⁷⁸ pointed out to the DGP³⁷⁹ that there was every likelihood of the people with differing backgrounds going out of control and forcing their entry into the Shrine in view of *Prakatsave* from 31st December 1991 to 8th January 1992 and the *Ekta Yatra* of BJP, observing *Shaurya Diwas* and commencement of construction from an unannounced date. He pointed out that the *Karsevaks* had climbed the domes on the 30th of October 1991 in the presence of Nritya Gopal Dass, Param Hans Ram Chander Dass, Avaidya Nath, Morpanth Pingle, Vishnu Hari Dalmia, Acharya Giri Raj Kishore, Uma Bharti who were participating in the events. In view of the removal of the barriers for regulating the movement, security forces positioned in the

³⁷⁷ It is recorded in File 20.200/87/D/91

³⁷⁸ CGW31

³⁷⁹ vide CGW31/2

Isolation Cordon were likely to be outnumbered with possible adverse consequences including the panic reaction of forces. Everything depended on the quantum of the State's force deployment in the Outer Cordon and Inner Cordon, which would affect their ability to control, direct and regulate the crowd. He expressed his apprehension on the possibility of confrontation between the State Police and paramilitary forces.

73.10. Intelligence reported to the State Government that provocative speeches were made in *Shaheedi Gali* still nothing moved in government, nor there is anything on the record that the force demanded was given or not. It was recorded in the official notings as a fact that though demand for 14 companies of PAC and four companies of CRPF was made by I. G. (Security) for November 1991. Assessment for the deployment of force was desired to be carried out according to the sensitivity, crowding and time with no reduction beyond the minimum force levels during sensitive times. Without providing or specifying the minimum force levels, it was further desired that the force should not be reshuffled often because orientation has to be given again and again. Orders were issued accordingly to SSP who further issued the orders as found mentioned in a letter³⁸⁰ of Godbole the then Home Secretary of India.

73.11. By 3rd of December, substantial force was withdrawn and only five companies of PAC and four companies of CRPF were left to be deployed in the whole of Faizabad district which were deployed in Ayodhya earlier. DB Roy admitted and corroborated that the above observations and orders issued and

³⁸⁰ DW 13/20

stated that the orders were observed more in violation than in conformity. SP Sinha³⁸¹ addressed a letter³⁸² to the SSP, Faizabad, on 1st November 1991 wherein it was observed that as some *Karsevaks* died in Shaheedi Gali, Shaheedi Divas would be observed where provocative speeches would be addressed by Sadhivi Ritambra etc. Apprehending that the *Karsevaks* would be agitated he asked the SSP to make preventive arrangements for the eventuality of *Karsevaks* being provoked, by providing tight security arrangements at road barriers, Shila Nayas Sthal and areas adjoining the disputed structure, keeping reserve force, teargas squad and rubber bullets squad etc. The SSP was asked to address the force. Another letter³⁸³ was addressed to IG, Lucknow Zone, by SP Sinha³⁸⁴ asking the SSP for fool-proof arrangements at the disputed site and in Faizabad city on 1st November 1991 being a Friday, which was necessary as a large number of Muslims lived in Ayodhya and Faizabad city. SP was asked to ensure that no one gained entry with shoes on. Police personnel trained in unarmed combat were required to accompany visitors to avoid mischief. Visitors were not to be allowed to stand there to sing religious songs. Recalling the incident of 31st October, 1991, arrangement for teargas squad and rubber bullets squad at the stairs with deployment of at least one platoon apart from reserve was suggested. It was pointed out that vigilance should be of top quality.

73.12. On 1st November 1991 on checking the security, it was found that the suggestions were not carried out. Providing of masonry wall, chain links,

³⁸¹ CW 12

³⁸² CW 12/45

³⁸³ CW 12/16

³⁸⁴ CW 12

infrared pillars, watch towers, iron grills, iron gates with padlocks on feeder lanes, installation of iron frame in portion of the temples, round the clock communication facility and laying of underground cables was not done.

73.13. The Joint Secretary (Home) pointed out the apprehensions about the security of the disputed structure and the non-implementation of the recommendations with respect to security because of large congregation of people in the complex³⁸⁵.

73.14. Ram Sewak SP Gorakhpur reported supported by the report of the Additional DGP, Lucknow³⁸⁶ that *Karsevaks* were coming with trishuls etc., from Gujarat, Punjab, Himachal Pradesh, Haryana, Rajasthan and Maharashtra for the *Bajrang Dal Rudra Mahayag* and Martyrs Day, that is, for observing Shaurya Divas on 30th October 1991 and *Shradhanjali Divas* on 2nd November 1991. They were being brought on the false propaganda that the disputed structure has been demolished.

73.15. It was reported that the PAC and CRPF deployed around the disputed structure got swayed by the slogan of 'Jai Shri Ram'. The fact is corroborated before this commission by the statement of Acharya Dharmendra Dev as well as by others.

73.16. Chief Minister Kalyan Singh gave an assurance to the National Integration Council about the security of the disputed structure and to abide by the courts order and to prevent any recurrence of the incidents of October 31st.

³⁸⁵ Reference may be made to CW 13/38.

³⁸⁶ vide CW 12/44

- 73.17. LK Advani stated that though the High Court decision pertained to land acquisition, but certain issues pending there were not determinable judicially, no restriction on Uttar Pradesh government to have legislation etc., would be acceptable. He stated that the recent happenings would not be repeated.
- 73.18. The same assurance was repeated by Chief Minister Kalyan Singh on his own behalf as well as the State before the Hon'ble Supreme Court which was incorporated in the Court's order on 15th November 1991. The Supreme Court issued a specific caveat for the State Government's responsibility for protection of the Ram Janambhoomi - Babri Masjid structure as well as the directions with respect to land acquisition, to be fully implemented. Directions for compliance of High Court's order dated 25th October 1991 in view of the assurance of the Chief Minister were issued³⁸⁷.
- 73.19. The DGP³⁸⁸ on 3rd Nov 1991 ordered the implementation of the directions regarding flow of *Karsevaks* to be regulated by putting up barriers. No instrument were to be allowed, rowdy and mischievous elements trying to take things in their own hand were to be dealt with strongly, the stairs were to be guarded, concertina wire was to be put up along the Garb Grah, radio telephone facilities were to be activated to maintain connectivity with Lucknow, civil Police contingent was to be deployed in Isolation Cordon, gates of *Shilanyas* site were to be kept closed and the Control Room was to be organized. Court's orders should be implemented.

³⁸⁷ Reference may be made to DW 13/20 and White Paper.

³⁸⁸ vide CGW7/11

73.20. All decisions appear to be facile, pretentious and therapeutic as no action appears to have been taken.

73.21. For the VHP's *Bajrang Yagya*³⁸⁹ *karsevaks* were to come from the districts. About hundred *Karsevaks* were there in *Karseva* Puram and Janaki Ghat with no outside leader except Purshotam Narain Singh Organizing Secretary of VHP Awadh, Onkar Mate Organizing Secretary of VHP Madhyachanchal, Shambhu Nath Singh Joint Secretary VHP of All India Vidyarthi Parishad and Vinay Katiyar. It was declared that *Karseva* would be resumed on 7th November 1991 and will continue till 16th November 1991.

73.22. The morale of the *Karsevaks* was observed to be low. They were saying that they have not come here to eat and sleep but to construct the temple and after calling them there they had been cheated. Acharya Dharminder Dev stated that the *Karsevaks* were emotionally upset and the Sadhus associated were expressing their resentment against the proposed symbolic karseva agreed to by Kalyan Singh. The Sadhu Samaj was in favour of early construction of the temple while the VHP and the BJP were interested in prolonging the entire construction issue to maximize the political dividends. There is nothing on the record to point out that the BJP and VHP either persuaded or attempted to implement their object of prolonging the issue of construction of the proposed temple.

73.23. Some of the leaders including HV Sheshadhari were criticizing the government for further complicating the matter by acquisition, since the

³⁸⁹ vide CW 12/25

foundation site had gone out of the hands of the VHP. It was stated that the VHP was trying to get the land handed over to the Trust. On 3rd of November 1991³⁹⁰, on the information of the SP (Intelligence Branch) Gorakhpur, that though large number of *Karsevaks* had left and only about 600 remained, still it was desired that there should not be any slackness in vigilance over the *Ram Janambhoomi Babri Masjid* complex. Instructions were issued that the security arrangement for 2nd of November 1991 would continue though it was at liberty to strengthen the security arrangements at its discretion, to maintain law and order in view of the local requirement.

- 73.24. It was pointed out that in view of the midterm poll on 15th November 1991, it was apprehended that the *Karsevaks* would engage in destructive and violent activity between 10th and 15th November and during elections, so as to gain attention and mileage for their identity and presence. In view of this, there was a greater need for ensuring a heightened vigil and frisking so that any ugly situation was avoided, to collect more information and activating the local intelligence units for security of the disputed structure, for keeping up the morale of Police, of the PAC and other forces posted on security duty in view of the apprehensions expressed by the SP Gorakhpur. In his report, he also mentioned strains and stresses in the relationship between PAC and CRPF and the need for proper coordination between them. It was suggested that a meeting of Intelligence and other concerned officers in the *Ram Janambhoomi Babri Masjid* complex be taken to apprise them of the up-to-date situation and the follow-ups needed at their level.

³⁹⁰ vide CW 12/43

73.25. Severe exception was taken to the non-reporting of the incident of 31st October 1991 and the need to ensure that the Control Room must work more systematically, with the posting of a responsible officer so that minute-to-minute information of all the incidents could be conveyed to the concerned officers. It was further pointed out in the report of SP Gorakhpur at Faizabad that the future programme has been decided by the VHP to mobilize young enthusiastic *Karsevaks* numbering 500, from each district, who would come and stay for a day and then go back. It was reported that another Maha Yagya would be conducted between 27th November 1991 and 14th of January 1992. At the same time, because of resentment of the Muslims and the reported incidents of 31st October 1991, a protest led by Jessica Pandey of BJP, supported by the Communists would be made. A Memorandum was given to the Commissioner and some shops at Faizabad remained closed in protest. A demand for handing over the disputed structure to the Army and a ban on Hindus entering within 200 yards of the disputed structure was raised.

73.26. A special message was sent³⁹¹ on 4th November 1991 that workers of Shiv Sena had taken an oath at the Saryu river to demolish the disputed structure. Shiv Sena and *Karsevaks* with fundamentalist beliefs and ideology would be present in Ayodhya. Such elements would take advantage of the crowd during Parikarma festival and attempt to enter the disputed structure. A special message³⁹² was flashed referring to the Police diary dated 8th November 1991. SP Sinha informed Faizabad Police that there was

³⁹¹ *vide CW 12/26*

³⁹² *CW12/24*

competition between the Bajrang Dal and the Shiv Sena to earn fame by blowing up the mosque which was in the knowledge of the VHP. The Shiv Sena was practicing archery under Krishna Kumar Pandey at Ayodhya. They were acknowledged in the official notings.

73.27. It was reported and recorded in official files by the Secretary (Home) that on 13th November 1991 the incidents of communal violence at Varanasi were not sudden but were pre-planned by some organizations and the recurrence of such attempts could not be ruled out. It was advised that all arrangements should be made to meet the situation, which was recorded in official record though Kalyan Singh had the temerity to state that there was no communal violence during his tenure.

73.28. Chaubey declined the suggestion of frisking by the CRPF on 12th November 1991. He said that it had become necessary to keep a watch, to not permit entry of persons with extremist ideology, which further required their monitoring³⁹³. SSP Faizabad was required to personally oversee and make appropriate arrangements; all the officers were required to be sensitized to this need. On 13th of November 1991 by alluding to the conversation dated 9th November 1991 the DGP Reserve Police said that they are neither experienced nor equipped for frisking and asked for directions from DGP CRPF. It was further brought to his notice that the local Police was fully equipped and trained for this and they were doing it without any equipment.

³⁹³ See *CW 12/24, CW 12/26*.

73.29. The Special Secretary, vide his note dated 20th of November 1991 informed the Chief Secretary and Chief Minister that some people with the help of the VHP were destroying buildings and taking away the debris in violation of the High Court order resulting in destructive activity at the *Ram Janambhoomi Babri Masjid Complex* and creating law and order problem and therefore additional central forces were required to be sent to safeguard the complex. The government adopted a therapeutic approach and contented itself by observing that it was the State's responsibility to stop the activity and to maintain the High Court's prestige. The State was committed to protect the disputed structure. It directed the DGP to ensure the protection of the disputed structure. JD Puri³⁹⁴ corroborated this by his statement. This is recorded in the official record.

73.30. The Central Government addressed a letter³⁹⁵ to the Chief Secretary on 26TH November 1991 after taking note of the letter addressed by the Chief Minister on 15th November 1991 to the Home Minister of India regarding the security arrangements at the Ram Janambhoomi Babri Masjid complex and informed that out of the recommendations made by the Central team for the security of the disputed structure the following recommendations still awaited implementation: provisions for 10' feet masonry wall with two barbed wire overhang as perimeter fencing, chain-link fence with pressure sensor at a little distance of from the parameter wall and installation of infrared pillars inside the corridor along with fence, setting up of watch tower all along the parameter with rotating floodlights, reliable communication

³⁹⁴ DW 13

³⁹⁵ CW13/38

facilities, provision for iron grills and wire mesh on all the windows of the adjacent building overlooking the complex, provision for iron gates with padlocks in important feeder lanes to restrict convergence of overenthusiastic crowds into the complex, installation of iron frame in the portion of temple in which stairs to the domes main structures are situated, communication facilities round-the-clock between the control room and important pickets set up around the complex, provision for 8 ft. high chain link fence with two barbed wire overhang around the power supply transformer and standby diesel generator located near the complex, and laying off underground cables for replacing the overhead electric transmission lines to connect the lighting points along the parameter to the poles.

- 73.31. About 250 workers of Shahjhan Pur under Vijay Singh were detained by the Police on 13th December of 1991, as they intended to picket the disputed structure. All the five barriers of Ved Mandir, Manas Bhawan barrier, Durahi Kuan barriers were open during daytime and closed at night.
- 73.32. On 14th December 1991, State Minister, S.C. Dixit and Vinay Katiyar went to Ayodhya and directed the District Magistrate and SSP, Faizabad, that all the road barriers on the way to the disputed structure be removed and frisking be stopped by 15th December 1991. The officers told them that this can be done only if the orders are dispatched to them by the Administration or their senior officers. It was recorded in the office noting also. The inconvenient officers were therefore transferred out.

- 73.33. It was stated by Parkash Singh that AK Saran, one of the principal police officers had loyalties outside the department and the posting of the SSP, DB Rai was at the instance of the BJP. Braham Dutt Divedi compelled the police to lower its guards which created problems for the police.
- 73.34. A decision was also taken by the Chief Minister³⁹⁶ about removal of the barriers and stopping of frisking at the desire and instance of Vinay Katiyar, Rajinder Kumar Gupta, Lal Ji Tondon, Braham Dutt Divedi, Surya Partap, SC Dixit, Ashok Singhal etc. It was brought to the notice of the Administration vide letter dated 16th December 1991³⁹⁷ that VHP workers had put bricks and cement at the site of the *Shila Nyas* and the VHP tried to construct a platform near the foundation site which the Police foiled³⁹⁸.
- 73.35. It was pointed out that the workers of the VHP were engaged in secret meetings and information was not readily forthcoming about the content of those meetings. Therefore the security needed to be reassessed and the force deployed accordingly. Removal of the forces without replacement had an adverse effect on security. The fixation of norms of the PAC and CRPF was sought. It was stated that since the Supreme Court had said that the outer wall of the disputed structure was part of the disputed structure therefore security of the entire area should be given to the CRPF as practical difficulties were being faced in security arrangements. It was pointed out that the decision of IG Lucknow, and the DGP was for deployment of four companies of CRPF and six companies of PAC in the *Ram Janambhoomi*

³⁹⁶ *Exhibit CW 13/2.*

³⁹⁷ *CW 12/49*

³⁹⁸ *Recorded in the official noting file 20.200/87/D/91.*

Babri Masjid complex in Ayodhya, while at the time there were six companies of PAC for Faizabad district, while *Govind Sahib* festival was going on for Baisakhi. It was pointed out that there were seven companies i.e., four companies of CRPF and three companies of PAC, which were asked to be replaced with CRPF. Three more companies of PAC for Faizabad, Ayodhya and Tanda towns were asked for.

73.36. It was reported that in view of the participation of large number of Sants on Ram incarnation day and the unity march of Murli Manohar Joshi where the Minister would participate, more force may be required. A request for a high-level review of security with the participation of intelligence officers along with the request for handing over the security to CRPF was made.

73.37. A letter³⁹⁹ dated 17th December 1991 was addressed by Saraswat SSP Faizabad, to the DIG AN Singh referring to the incident of 8th December 1991 when an idol of Hanuman Ji was placed near Kanti Mosque. Mazars in Ayodhya were smeared with cow dung and symbols of Shivji were placed. It was observed that the acts appeared to be attempts to spread communal disharmony. The District Magistrate Net Ram ordered a magisterial inquiry with respect to the incident of 31st October 1991 on 20th December 1991⁴⁰⁰ to enquire what the laxity was in the police arrangement and to fix the responsibility of officers. Magistrate Tiwari was appointed the Inquiry Officer. The inquiry never saw the light of the day. The SSP asked for the report on 12th March 1992 with no reply.

³⁹⁹ CW 12/49

⁴⁰⁰ vide CW 12/50

73.38. A meeting was held by the Chief Minister on 28th December 1991 and attended by Rajinder Kumar Gupta Finance Minister, Surya Partap Singh Minister of State for Home, Lal Ji Tondon Energy Minister, Braham Dutt Divedi Revenue Minister, Chief Secretary, Principal Secretary (Home), Secretary to Chief Minister, Director General of Police UP, IG Police, Lucknow Zone and the IG (Security), wherein Braham Dutt Divedi gave fourteen suggestions with regard to the security arrangement of *Ram Janambhoomi Babri Masjid* complex. The decisions taken⁴⁰¹ were, (1) there should be no restriction in the place between the bases of three domes. The barrier fixed with ropes or the portable barrier placed with a view to control the crowd, be removed (2) there should be no barrier in the open complex inside the *Ram Janambhoomi*-Babri Masjid and the visitors should have full freedom of movement. In substance, the proposal to put the flow of visitors unrestricted to the left and right of the *Ram Janambhoomi* site was accepted (3) Restriction imposed on people going round the Kaushalya Rasoi by closing the passage between the Lion gate (*sic*) and Kaushalya Kitchen being not effective and there would be full freedom of going round the Kaushalya Rasoi (4) Concertina wire on the staircase was allowed to continue (5) Sloped barricades placed on the south of the *Ram Janambhoomi* fixed in 1989 to continue (6) Barbed wires fixed on the poles of the barrier in the corner outside Kaushalya Rasoi to be removed (7) the security arrangements of *Ram Janambhoomi*-Babri Masjid has been reinforced after 31st October, 1991 (8) Pillars and pipes fixed around the foundation site should be shifted and fixed adjacent to the Wall (9) Barriers on three different roads at a distance of the

⁴⁰¹ as minuted in CW 13/34

temple be removed by removing the sliding barrier and poles to continue (10) In respect of the request for selective frisking only, it was not agreed to in the meeting (11) Four sides of the acquired land were fenced with barbed wires, replacement of which would be thought of after building a wall around the acquired land (12) Tin shades put up by the department have been removed (13) Soil should be sent for testing (14) Barricading in the south side of the Katha Mandap, which was put up to control the crowd, should be removed after the Unity March.

73.39. By 30th of December seven road barriers from feeder road and leading to the structure near Manas Bhawan, Ved Mandir, Rang Mahal and Durahi Kuan were removed. It was decided that crowds should not be allowed at the entrance gate on the way from Hanuman Garhi barrier to Ved Mandir, and access controlled or regulated, stairs to be covered with concertina wire, gates to Shila Nyas to be locked and concertina wire be put up and security on the main gate to the Durahi Kuan to be provided.

73.40. SP Sinha vide his letter⁴⁰² dated 30th December 1991 referring to the letter⁴⁰³ in pursuance to letter dated 28th December 1991 mentioned possibility of a rift between the VHP, Bajrang Dal and *Ram Janambhoomi Sewa Samiti*. He noted competitive singing songs between VHP and others. Lal Das's disciples were opposed to VHP, mutual rivalry was reported.

⁴⁰² CW 12/47

⁴⁰³ CW 12/48

- 73.41. DGP Parkash Singh⁴⁰⁴ addressed another letter dated 30th December 1991 pointing out that since it was agreed that the pipes pitched around the foundation site were to be shifted near the wall, mechanical support be provided by PWD authorities so that the poles could be re-fixed in minimum time in case of need. It was intimated that the security measures / arrangements be modified as minuted above.
- 73.42. DGP Chaubey on 31st December 1991 in a letter, pointed out that the removal of barriers installed for regulation of the crowd was having a material bearing on protection of the Ram Janambhoomi Babri Masjid Complex where CRPF was deployed.
- 73.43. In conclusion, based on the totality of circumstances, facts and on analysis, and the conduct of the officers later appointed to high posts, it leads to the inference that inconvenient officers dealing with Ayodhya were transferred from time to time to suit the government to achieve their election manifesto, or their promise to the electorate. Kalyan Singh, when asked to explain these facts and comment, as an intelligent witness tried to remain vague and played with the words rather than dealing with the sum and substance of the radiogram and the note prepared by the Home Secretary for action to be taken which in fact was sent. There cannot be direct evidence about the intentions of the party or a person, and yet the official note of the Home Secretary amply demonstrates the working of the mind of the state, its officials and the political bureaucracy when he said it is for the Tourism Department to determine whether the High Court's orders are being violated

⁴⁰⁴ CW14

or not as it apparently required a great effort to determine whether the stay order applied to the site, whether the state was bound to stop the *Karsevaks* while they were violating the Supreme Court's orders. In the face of the well-known fact brought to the notice of the Government, that it was Vinay Katiyar and others, with the help of the VHP who were carrying demolitions at the site, the Government rather than stopping them, did not even formally ask the VHP to stop. Implicitly the conduct of Vinay Katiyar etc., was approved and no action was taken against him or others. A façade of compliance of the court's orders and keeping up the prestige of the court's orders was expressed by the UP Home Secretary. He recorded that we should ensure that court's orders are not violated by officers. It was still kept open that the people may or can do it.

- 73.44. It can further be observed, rather a reasonable inference can be raised that the administration was not only depending for law and order on VHP, in fact the state was not acting nor taking any categorical stand with respect to the security of the disputed structure. The local administration was under political pressure of Vinay Katiyar, Braham Dutt Dewedi, Lalji Tondon, Rajinder Kumar Gupta, Surya Partap, SC Dixit, Ashok Singhal, Acharya Giriraj Kishore, Paramhans Ramchander Dass, A vaidya Nath, Champat Rai and Laloo Singh, Revenue Minister, Excise Minister etc. and the local legislators for permitting the VHP or the local leaders to have their way for the construction of temple. The State administration, political executive, police etc., were either actively, or passively by their overt and covert acts, conniving with the local leadership of the VHP in the legal and illegal

activities carried out at Ayodhya. It gave a categorical message that the state meant business, meaning that there should be construction of temple by any means and at all costs.

73.45. A pretention of asking the DGP to provide the additional force was made.

The fact is further corroborated when undisputedly a flag was unfurled on the domes, provocative speeches referring to one religion were made, so much so that the buildings were demolished in violation of the court's orders and the Chabutra was built under the leadership of Vinay Katiyar, when in order to maintain and sustain the facade of compliance of the court's order, Murli Manohar Joshi went to Ayodhya to stop the construction.

73.46. The escalating mobilisation successfully carried out by the Sangh parivar resulted in growing frenzy amongst the Karsevaks. The communal and religious fanaticism was intended to provoke the adherents of the other religion against which it was directed, who were no less guilty of contributing to the vitiated atmosphere as the Sangh Parivar.

73.47. The Police and the local administration neither took any action against the executors of acts, nor enhanced the security. Nothing was done on the ground, much less by substantially strengthening the security, which was visible or could be felt by the common man or by a person carrying such thoughts to counter any possible threat to the disputed structure. Even the IB team which went for inspection on 30th October was attacked by a mob. The State administration, political executive, police and the local administration was totally insensitive to the developing situation. Facts are

recorded in the office notes of the state which do not show that other than statements, anything else was done on the ground.

73.48. There is an old saying that *temperate reasonable language appropriate to the argument is the foundation of logic*. The speeches are only a small part of means of expression, which draws on all arts, gimmicks, gesture, ambience, attitude of the speaker etc., which in fact convey more than words. The language of the speeches were so modulated as to convey the unmistakable impression that the cause being espoused was fundamental to the citizens of the country and anybody who thought, felt or spoke otherwise, would be deemed anti-national if not a traitor. The speeches of the leaders or icons were followed by local leaders. Neither their speeches nor they themselves were under the control or discipline of any centralized agency. The contents were always a mixture of passionate appeals for dominance of the majority sentiment, need to correct the lapses of history, and deliberate manipulation of the legality of the rights of the majority, to overwhelm and prevail, and establish its will over every contrarian position.

73.49. The sequence of events from 1991 with regard to the security arrangements at the disputed site, various initiatives, and the nature of responses, make an interesting spectacle of how the political and bureaucratic machinery of the state approaches the issue of security of the citizens and their property. To begin with, the distinctive police forces belonging to the State and the Centre approached their responsibilities with differing perspectives. The SP of Faizabad stated that there was no dispute⁴⁰⁵ after discussion with CRPF

⁴⁰⁵ vide letter CW 16/5

officers. He emphasized on the responsibility of the PAC with respect to law and order. Subsequently letter were exchanged and a report was made by SC Chaubey in April 1992. OPS Malik stated that SC Chaubey visited *Ram Janambhoomi* complex along with DV Mehta IG, Lucknow Zone, CK Malik IG (Security), DIG Faizabad, SSP Faizabad and District Magistrate who after discussion with respect to the security arrangements made suggestions. In view of the demolition of the buildings in the *Ram Bhoomi Babri Masjid complex*, levelling of adjoining lands, and forthcoming *Ram Navami* festival, it was pointed out that with the filling of the depression near the *Ram Janambhoomi Babri Masjid* on the southern side, effectiveness of the barbed wire fencing on the Outer Cordon had been diluted which made it easy for the rowdy crowd to reach the disputed structure and possibly cause damage.

- 73.50. Levelling had made available more space for congregation of crowd near the disputed structure which posed a greater danger to the disputed structure and danger from projectiles too was spelt out. Request for revising the security plan was made. It was suggested that entry to the Garb Grah should be regulated and not more than twenty persons be allowed at a time, who should further be escorted by civil police. Crowd should be regulated from various places within and outside Ayodhya town and should not be allowed to congregate near the entry points. It was further suggested that CRPF be deployed in the inner cordon also. Even on 2nd December 1992⁴⁰⁶, JS Bisht pointed out that a large gathering near the entry points would overwhelm the CRPF personnel, which may result in law and order problem. He requested

⁴⁰⁶ vide CGW 16/4

for regulating the entry and recommended the posting of gazetted police officers with wireless sets to regulate the crowd properly.

74. Planning for security

- 74.1. On prognosis of experience of various police officers or as specified by various authors on police planning and from the evidence of the security of the disputed structure, various factors and principles were needed to be kept in view while planning security
- 74.2. Anticipation, instant police reaction, strength of the force required, some part of which to be kept reserved for deployment to reinforce those already deployed was needed. Decision were required to be taken with respect to the quantum of the reserve forces taking into account factors like the nature of problem, expected crowds, extent of their being armed, extent of their motivation, place or location etc. Planning for strategic positioning of forces, taking into account the existing as well as internal security measures including the area for crowd dispersal, temper or militant nature of crowd, provisions for normal free flow of traffic to be maintained, availability of army support, the accessibility by the police or paramilitary forces to the disturbed area or place were required to be planned in advance.
- 74.3. The need for use of weapons has to be considered keeping in mind the adequacy of police strength for aggressive crowd, requirement of the decisive tactics, need for planning of tactics and strategy, eliminating delay and procrastination in decision making. There was a need for a show of force and for deployment of tactical riot police formation using the element of surprise. It needed handling the mob simultaneously from the rear for creating fear as

it is well known and experienced that the timid members of the mob will always be at the back of the crowd.

- 74.4. The mob leaders should be apprehended and mischief mongers and undesirable elements identified and apprehended beforehand as incidents of looting etc. may be unexpected but may spread quickly. Simultaneous reconnaissance and collection of information and intelligence through local contacts of potential mischief mongers and rioters should be organized. There is a constant need for surveillance to be fortified
- 74.5. The area affected requires to be sealed with barricades and roadblocks which are physical and psychological means of containment. It is too obvious that in case of a direct conflict between police and mob, several layers of barricades provides room for manoeuvring. Barricades with manpower support provide obstacles to person trying to go in or out. Inter-twining barbed wire provides increases their effectiveness. Using of concertina wire for temporary barricades was needed.
- 74.6. Arrest teams, vans, photographers, press people and videographers were required to be used as it dampens the enthusiasm of those who want to remain anonymous. Steps had to be taken for political and public support for crowd control irrespective of the desire of the elected government.
- 74.7. There was a need for steps to be taken for strong organizational planning and ensuring logistical support to the forces at the spot. The character or nature or reputation of the force including the caste and communal factors or their inclination for particular cause had to be kept in view. Aggressive patrolling

was needed to be fortified

- 74.8. It was opined by RC Aggarwal⁴⁰⁷ IG CRPF, that the basic principles required for crowd management is that the crowd is kept within manageable limits, is divided into manageable segments, there is deployment of adequate force and access area is controlled.
- 74.9. AK Saran opined at Kumbh Mela the requirements for the crowd management were sensitizing the area, establishing police post at different places, developing intelligence about the movement of terrorists etc., acquiring knowledge about the movement of anti-social elements, establishing contact with other states, motivating forces, providing adequate passage for the free movement of the people and police in case of a stampede etc.
- 74.10. BP Singhal an experienced police officer of the rank of DGP and an office bearer of the VHP opined that in order to control the huge crowd one method is to make an arrow formation so that you can enter towards the arrow and the crowd keeps moving back as the arrow head formation moves on. The other method is by organizing a slant kind of wall moving in a diagonal manner pushing the people gradually back. The force at low-level gives support and the crowd keeps shifting towards the desired direction. Regulatory processes are a part of crowd control management i.e. one has to have barricades, dedicated pathways and breakpoints etc., where one can stop the pressure of the crowd at any point of time one likes.

⁴⁰⁷ CGW31

74.11. He opined on a rough and ready reckoning that a force of about two hundred to three hundred is required to control about 1000 people which again depends on whether the force is ready to use Lathis, tear gas, or open fire; and if not, then the need is for a massive force. He stated that one of the factors for crowd control is to see whether the crowd is loose as in the case of melas, or whether it is a determined crowd with a set objective or purpose. Two powerful persons are needed for controlling one berserk person. Similarly one squad of police using tear gas can hold back the crowd from one particular direction.

74.12. The roads determine the width of the crowd, while in case of a crowd in an open area, the tear gas shell is required to be exploded to one side of the crowd. Peeyush Srivastava⁴⁰⁸ admitted and opined that tear gas can be effective within one hundred square feet and if the wind is favourable, it can affect 300 square feet for 10 to 25 minutes. He further opined that 200 yards of open space or field is required for firing and reloading shells which was never available at any point of time at the site of the *Babri Masjid* domes. His statement to the fact that tear gas shells were fired is false, in view of the predominant statements of other witnesses as well as from the fact that no fired shells were recovered. SC Chaubey pointed out that the effect of a long-range tear gas shell is 135m and offshore is up to 90m. The distance between the disputed structure and the place of chanting of the *mantras* was 75m.

74.13. In order to control the crowds, public and political support is a condition precedent, regardless of the desire of elected governments. It needs

⁴⁰⁸ CGW10

independent timely correct response to the situation and not knee-jerk reaction. Experience in command is required, as is good judgment, strong organizational planning, logistics support to the force, and high morale of the force. A disciplined, ably led police force is the sine qua non for crowd management and control.

- 74.14. Suspicion has been defined as a means for which no cogent evidence or documentary evidence is necessary. Knowledge includes personal knowledge and knowledge derived from documents or from sundry other sources such as intelligence, gut feelings and an innate sense of the majesty of law and a degree of reasonable suspicion. It may arise on account of the conduct of the suspect's demeanour, gait, movement, dress, time, place and number of other circumstances with indefinite criteria. Hunch is not baseless suspicion or instinct, but relevant to the specific reasonable inferences which one is entitled to draw from the facts, in the light of his experience. Usually the tactical principle adopted by the Police force as axiomatic in the forces is planning, acquiring information about various aspects of the crowd and finding ways and means to deal with each situation for dispersing the rioters. Obvious means and ways for dealing with the crowd or mob are sealing the affected area, establishment of parameters, establishment of physical security in the area, exit and access in each unit of the area, chances of mob accepting alternatives, aggressive mobile and foot patrolling, establishment of guard and beats, punting etc . There can be no real step-by step guide for such circumstances. Suffice it to say that all concrete steps can only follow when there is honest intention and planning for an object to be achieved.

74.15. Lathi charge could not be carried out because of the requirement of space in the Inner Cordon, which space was in fact not there. The statement of OPS Malik with respect to the lathi-charge cannot be accepted. Reference may be made to the statement of Ram Lal⁴⁰⁹. BP Singhal and others accepted that Intelligence usually vaguely informs about the potentiality of violence and not about its nature. It further emerged from the statements of AK Saran, Uma Shanker Vajpayee, DB Roy, Bisht etc., that to regulate a crowd of 200 disciplined people one needed 30 people and if not disciplined it needs a company's strength. Similarly an opinion emerged from their statement as well as of Akhilesh Mehrotra that one constable can control 100 people in peacetime, while with barricades he can do more. During riots or in the case of a frenzied crowd a company would be needed to handle 200 undisciplined people. Anju Gupta opined after referring to the book of PPS Sidhu that access control management in streamlining the flow of the crowd by making potential entries insurmountable etc. are the basic parameters in crowd management. It emerged from the substantial reading of opinions that the ratio of deployment required is 1:10 to control 1000 to 8000 people of a peaceful crowd, while in case of a riotous crowd, 6-20 companies are required at a distance of 500 yards from the object to be secured.

74.16. Guidelines and policy has been laid down for administration of police by the Criminal Procedure Code, PAC Act of 1948, Police Act, UP Police Rules, regulations and administrative instructions, issued from time to time. It has been laid down therein that ordinarily the decision making officer should be

⁴⁰⁹ CGW15

from an area that is close by; he should possess local knowledge and have a working system of information at his disposal. If possible the officer should not be connected with the majority caste or religion where policing is needed extensively. It was envisaged therein that the force should be conversant with the topography and have knowledge of the rioters' nature and the intent of the crowd. It is obvious that the minimum requirement for ensuring the security of the disputed structure was, planning for it. It is envisaged that it should be made in advance, with perception, hindsight, foresight, and far sight keeping in view the character, morale, past conduct, fanaticism, sensitivities of issues, and attitude of the leaders, their influence among the locals, capacity of liberal attitude, past happenings and incidents, defiant mood of crowd or its leaders, requirement of forces to meet the force of the crowd, need for use of arms etc. In the Inquiry we need not go into the innumerable circumstances calling for use of force or firearms to disperse the crowd. It has been observed by various authors that it is a proven social phenomenon that the number of persons desiring to flee from the danger area on the scene of mob action usually outnumber the curious onlookers from outside the area desiring to enter the area to see or participate in some way in the events taking place, which is further augmented by TV and radio coverage. Innumerable factors show that there was in fact no planning for providing security to the disputed structure.

74.17. It can be concluded that the police never used teargas on the Sixth of December 1992, the fateful day. Requisition of tear gas squad was merely eyewash.

75. State of the security arrangements in 1992

- 75.1. The state police was totally hamstrung in various ways. None of the factors or basic principles or past experience for crowd control were taken into consideration either in July 1992 or in December 1992 for policing at Ayodhya or Faizabad at any level of the state. No contingency plan for crowd control or for security of the disputed structure was worked out. The views of the aggrieved party were not taken by the police for policing around the disputed structure. Instead, the protagonists and organizers were consulted by the police from time to time. Evidence on record suggests that organizers of the movement were browbeating the administration in political and executive spheres. They were claiming that they themselves were the State Government.
- 75.2. It emerged beyond doubt that the local leaders, particularly Vinay Katiyar, Ashok Singhal, Mahant Avidyanath, Mahant Paramhans Ram Chander Das, Acharya Giriraj Kishore, SC Dixit, BP Singhal and Champat Rai used to be closeted almost day and night with not only the officers of the local administration but also with the officers in the higher echelons of the administration, who were posted to their specific posts at their insistence or at least with their consent. They intentionally became tools to act for the political executive to achieve their election manifesto as well as a veil for their state activities for achieving the political objectives of the political party.
- 75.3. The organizers of the movement were fully satisfied about the pliability of

the administrative officers posted who proved to be loyalists by not only supporting the goals and methods of their masters, but also by veiling them from the people and the media. There was total abdication of professionalism in the administration, police, bureaucracy, and executive. The political executive went about its game plans. Attempts were made to convey that the Police is with the *Karsevak*. Slogans to that effect were raised, "*Badi khushi ki bat hai, Police hamara sath hai*". From prognosis of the facts, evidence, circumstances and conduct of administration, police, bureaucracy and political executive, it leads to the conclusion that the requirements of pre-planning or planning or of any contingency plans for security of the disputed structure and for crowd control were consciously not made.

76. December 1992

- 76.1. The *Karsevaks* started reaching Ayodhya in November 1992 on the mobilization for construction of temple specially undertaken by the icons of the movement like LK Advani and Murli Manohar Joshi and others leaders as well as by the states governed by the BJP apart from the protagonists of movement. The *Karsevaks* were motivated and indoctrinated with the belief in the Hindu religion and that the disputed structure was constructed by Muslim rulers at the place of temple of Ram who is believed to be incarnation of God by Hindus. The disputed site was labelled as the sign of slavery, which needed to be removed. The hate towards the disputed site and Muslims exacerbated the differences between the two communities and claimants to the site engineered through provocative speeches and slogans , religious discourses and religious parodies by the leaders carried out from time to time during various mobilizations.
- 76.2. Paramhans Ramchander Dass and Vinay Katiyar claimed in the press conference on 5th December 1992 that *Karseva* would be carried out effectively for construction of the promised temple at the disputed site.
- 76.3. Ashok Singhal claimed and declared that *Karseva* would not be by Bhajan and kirtan, it will be one decided by Sadhus and Sants, and not by the courts. Proclamations that the temple will be built at all cost were made and it was declared that neither the courts nor the state nor the administration had the

courage to stop the construction or the so called *Karseva*⁴¹⁰.

- 76.4. Kalraj Mishra⁴¹¹ accepted and admitted the presence of an aggressive and hostile crowd while stating that the security arrangements were made for both the situations i.e. peaceful as well as aggressive. This is contrary to the stand of the administration and the police officers who stated that the arrangements were made for a peaceful karseva and with no threat of damage to the disputed structure. It is also contradicted by the provocative speeches delivered by the temple protagonists. The delivering of provocative speeches and raising of slogans was affirmed in the report of the Bahri Commission on which reliance was placed by the counsel Ralla Ram Gupta, the advocate for the Union of India and Vinay Katiyar who emphasized it in his statement.
- 76.5. The provocative nature of the slogans is writ large in the slogans themselves which are referred to in this report at various places. Many of the witnesses, particularly those who were in the forefront of slogan shouting, the leaders or the icons of the movement, including KS Sudarshan, Ashok Singhal, Uma Bharti, Acharya Dharmender Dev, DB Roy, pleaded amnesia or made blatant denials of these slogans having been raised at all.
- 76.6. All surrounding circumstances and the ambience were designed to impress upon the Sadhus and Sants and the *Karsevaks* that their presence was not symbolic. The *Karsevaks* were convinced that the 'big' day had come and this was the 'real' thing. The fact has been stated by none else but the IG, AK Saran, present at the spot.

⁴¹⁰ See statement of CGW 49 CK Mishra before this commission and his report published in CGW 49/D.

⁴¹¹ CGW10

- 76.7. A climate of acrimony that had been assiduously built up. There was also no leader or icon who intended to, or who could prevail over the overenthusiastic or worked up belligerent leaders or karsevaks.
- 76.8. Little men with king sized egos and even bigger ambitions were playing a part with the sole object of acquiring larger than life images, through the temple construction crusade. Champat Rai, who was admittedly in charge of the construction at the spot declared that the *Karseva* would be carried out with guerrilla strategy. The karsevaks were exhorted for demolition of the disputed structure.
- 76.9. Karsevaks or their leaders owed sectional loyalties to their own benefactors. The leaders of the movement, local or otherwise, were undisciplined persons with no individual ideological persuasion, but drafted as foot soldiers through mobilization by RSS, VHP, BJP and others.
- 76.10. Frenzied and hysterical people were allowed to converge on Ayodhya for the event of 6th December 1992. They were a religiously emotive people and were hostile towards the disputed structure. The assertion that the crowd was peaceful is nothing but a facade and a spin given through the media. Vinay Katiyar stated that in case of dissolution of the Uttar Pradesh government, it would be opposed. The crowd became more aggressive because of the rumours of the imposition of President's Rule and of dissolution of the government duly elected by them. The organizers, notably the RSS, changed their plan of action of karseva by calling them in batches, urging them to converge on the same day with an object to oppose the possible imposition of

President's Rule. It appears that even the apprehension of imposition of President's Rule by itself was a coined thought to create an ambience by gathering the crowds.

76.11. The government, both bureaucratic and political executive, had knowledge of the nature of the crowd being frenzied and of militant nature. They clearly apprehended danger to the disputed structure. It was for one and all to see that the situation was tense in Ayodhya and it was accepted to be so by organizations as well. For reasons best known to the Administration, under a self-assumed illusion continued harping that the crowd was peaceful. It appears that the Administration either local or otherwise wanted to pull a veil in order to achieve the object of fulfilling the manifesto promises. There was no political will to keep the crowd under any control. The government of the time was conscious of their coming to power on the emotional manifesto of the construction of the temple and their stability and return to power depended on it.

76.12. The chaos was rooted in the political ambience created by the State Government under Kalyan Singh. The situation on 6th December 1992 was designed for disaster. They succeeded in attaining that objective.

76.13. Succinctly and finally, the position that emerged on the ground on 6th December 1992 was that the pilgrims were required to enter from road through a gate on Durahi Kuan Road. It is here that they were frisked. They passed through a double barricade providing two lines one for men and other for women, parallel to Durahi Kuan road, used to reach an opening in piped

barricade forming an outer cordon, thus entering the outer cordon through the piped barricade, with no restriction shown on the movement of the persons entering it. The pilgrims used to enter Inner Cordon through a door in a wall around the disputed structure thereby reaching the open place where the Ram Chabutra was located. There was another wall encircling the disputed structure, with two gates in it. Darshnarthis used to enter the disputed structure within the walled area known as Isolation Cordon within which the Garb Grah was situated. There is a staircase in the Isolation Cordon for going to the roof of the domes, which was closed by putting concertina wires on it. The gate on Durahi Kuan road was an iron gate. The exit route from the Isolation Cordon was from Singh Dewar to Kaushalya Rasoi in the Outer Cordon from there through the Raghar Dwar to Durahi Kuan Road. The gate known as Singh Dewar was in this wall near Kaushalya Rasoi; this was the exit gate in the Outer Cordon with an opening in it on the Durahi Kuan. Two other gates opened in the acquired land, where Shila Nyas and other places in the Ram Janambhoomi complex were situated. Two walls were constructed as the boundary wall of the worships site in 1990.

- 76.14. There was no entry route exclusively for the police to the disputed structure on 6th December 1992. There were three exits and entry points in the walled area. JD Puri stated and pointed out that since the work was going on round-the-clock, the entry and exit had been regulated through the Raghu gate which was in fact closed for the 6th of December. The exit and entry was not possible till the metal road from Channel gate to Raghu Gate of 10-feet wide providing three channels/barricades lanes were provided. Deen Dayal

Gupta⁴¹² stated that there was no specific route and there was only one route for calling of the force. Ganga Prasad⁴¹³ stated with respect to there being no passage for the Police force to reach the spot at the time of need. The only entry and exit was from Singh Dewar. No force was deployed on the security wall near the Sheshavtar Mandir⁴¹⁴ or even on the back of the disputed structure.

- 76.15. Almost all persons present on 6th December 1992 at Ayodhya were *Karsevaks* and not pilgrims. The Administration was totally oblivious to the topography of Ayodhya since it provided a paltry force of only 2300 constables for the whole of Ayodhya to manage a militant and emotionally surcharged estimated crowd of three Lakh *Karsevaks*. The crowd was present there only at the instance of the national and state political parties reputed to be Hindu minded, religious leaders, and self-proclaimed social organizations participating in the movement for construction of the temple. Hardly any force was provided to keep watch on the roads specially between Faizabad and Ayodhya in order to allow for a smooth flow of *Karsevaks* or free flow of forces scattered and kept away or for rounding up the dangerous or rowdy gangs and to disperse the crowd in any eventuality and that too with no equipment not even nominal ones. Added to it, the restraint on use of force emboldened the karsevaks. Even whatever forces Kalyan Singh deployed for the security of the disputed structure were cosmetic. He declined to deploy paramilitary forces despite the offer of the Central Government which he

⁴¹² DW2

⁴¹³ CGW 53

⁴¹⁴ See DW 13/21, CGW 23/2, 22, 45, CW 8/3 and the statement of CGW 47, 53, DW 2, DW 9, DW 11

allowed only when the objective of the manifesto promises had been achieved and virtually nothing was left for the forces to protect.

76.16. A pretentious argument was made that since no party had complained about a frenzied crowd or raising of any provocative slogans, therefore force was not deployed in strength. This is patently unsustainable and also speaks volumes about the nature of governance or about the team of advisors from the administration. Or else, it was an intentional act for the hidden reasons for political objectives.

76.17. DB Roy admitted that the force or PAC sanctioned, comprised mainly of either trainees or untrained recruits. They did not have enough time to acclimatize and acquaint themselves with the local conditions to protect either the karsevaks or to maintain law and order or to keep peace.

76.18. Anju Gupta stated that entry from Police Control Room (Manas Bhawan) was quite open and there was crowd pressure from both sides of the barricading. The crowd present in the pandal at the construction site near Shesh Avatar Mandir needed to be regulated. There was no physical barricading between Ram Dewar and outside of it, which provided easy scaling of the walls *en masse*, and entry to the premises. There was no streamlining of the crowds towards the Chabutra and from there to the exit on the western side Gate, which made the entire ground open and available, for thousands of people to come in suddenly and occupy. There were no security personnel on the roof of the domes of the structure preventing the *Karsevaks* from demolishing it. There was no cross examination challenging

the facts stated by Anju Gupta, the security officer of LK Advani on the fateful day. There is no reason to disbelieve her on these facts since as the security officer attached to LK Advani she had unrestricted access to all the happenings and overall scenario in the *Ram Janambhoomi Babri Masjid* complex. NC Padhi stated that the Police allowed the public meeting in the vicinity of the vulnerable object, with their hands tied and in view of the order not to fire against the *Karsevaks* by order of the Chief Minister, with which I concur.

- 76.19. AK Saran admitted the loopholes in the security and attributed them to lack of correct intelligence reports with respect to which he had neither complained nor asked for any intelligence reports on particular subjects. No plain clothes personnel were operating in the mob⁴¹⁵. Agitators or *Karsevaks*, undesirable elements in the town, or in the mob or amongst the leaders were never kept under surveillance within the bounds of law. OPS Malik⁴¹⁶ said that he had no channel for getting information with respect to the apprehensions about damage to the structure. It was recorded in official record that the RSS and other organizers of the movement were holding secret meetings and consequently officials were finding it difficult to get information. It was stated and admitted that the media and officials of the administration had brought to the notice of the State Government the apprehensions about the commencing of the construction and their apprehension was that the organizers or the *Karsevaks* could commence the

⁴¹⁵ See statement of AK Saran and CW 9/12

⁴¹⁶ CGW16

construction without the announcement for the same at any time or cause damage to the disputed structure.

76.20. The deployment of local intelligence unit constituted of three members with eight hourly duties under a Superintendent of Police responsible for communicating the information and to keep an eye on *Darshnarthis* and that too not on *Karsevaks* to report any thing of significance. This was totally disproportionate to the requirements of the situation. There being a total absence of surveillance, there was a lack of intelligent analysis of visible facts, and the information available with the state. There is no other evidence or document brought to my notice from where one can infer the strength of deployment of intelligence personnel from the Centre or the State. Even the morsels of intelligence received or the knowledge acquired from the press were taken as doubtful or was not taken note of, for getting prepared for such a situation, and it was blithely stated by the local administration that the intelligence never reported about the threat of demolition of the disputed structure.

76.21. Even the small force deployed was never asked for any surveillance on the Karsevaks when the distinction between the Karsevaks and the pilgrims or the Darshnarthis who fall in the latter category was too obvious. As disclosed by OPS Malik⁴¹⁷ they were hardly ever present except on 6th December 1992. The number of persons deployed for such a large gathering of *Karsevaks* spread over the large area of Ayodhya itself speaks volumes about the

⁴¹⁷ See CGW 16/9

seriousness to deal with the security of the disputed structure, by the people in authority or the Administration.

76.22. The evident failures were arising either out of complicity or a collaborative security setup designed to fail, so far as the State Government was concerned. The logistics were worked out in a calculated perverse manner to achieve the first step in the construction of the new temple, i.e. the demolition of the old structures.

76.23. Shamsheer Singh⁴¹⁸ stated that nothing was done by the Police to stop the entry of *Karsevaks* in *Ram Janambhoomi* Babri Masjid complex or the disputed structure. The *Karsevaks* attempted forcible entry into the Puja Sthal on the arrival of L.K. Advani. It was only the RSS workers who resisted their entry, but the Police remained silent spectators⁴¹⁹. He further stated that after LK Advani, Murli Manohar Joshi and Ashok Singhal had addressed the gathering. No attempt was made to stop the demolition. To justify the gathering of such a large crowd it was stated, that Chinmayanand and Vijay Raje Scindia gave an undertaking that the *Karsevaks* would not involve in any construction activity and only perform certain rituals. The Supreme Court ordered that no construction activity would be carried out. It was stated that since the Supreme Court had not put any embargo on the number of people to be collected, therefore no restriction could be put on the *Karsevaks* coming to Ayodhya. The said justification was suggested to NC Padhi who denied it. The same explanation was put forward by Kalyan Singh

⁴¹⁸ CGW 30

⁴¹⁹ Refer to CGW 13/19

for gathering of such a large crowd in the *Ram Janambhoomi Babri Masjid* complex on 6th December 1992. This is nothing but a made up defence after the event. The same parroted explanation in regard to the gathering of such a large crowd in the complex at Ayodhya was given by the administration, executive officers, police, and the organizers of the movement. Police allowed the crowd to grow thereby making law and order impossible. It was a deliberate act not to manage or organize the crowd. The Police and District Magistrate said that there was a complete lack of manpower to control the crowd. Peeyush Srivastava⁴²⁰ stated that the security arrangements were made, keeping in view a minor possibility of assault for which the officers were instructed too. He accepted that the intelligence department in the meeting taken by IG on 5th December 1992, in the Control Room expressed the possibility of assault. Hence it is difficult to accept that the state Administration was oblivious to the potency of the situation.

- 76.24. Deen Dayal Gupta affirmed the presence of belligerent, defiant, militant Karsevaks in massive numbers in the Ram Janambhoomi complex as well as in Ayodhya. Leaders with similar intent and opposed to mere symbolic *Karseva* were present in the Ram Janambhoomi complex as well as in Ayodhya, since November 1992. SP Gaur admitted to the violent and uncontrollable nature of leaders like Uma Bharti, Vinay Katiyar, Paramhans Ramchander Das, Acharya Dharmender Dev, Sathvi Rithambra etc. They recalled an incident about Uma Bharti slapping a Police constable. On 15th September 1992, SSP, Faizabad reported to DGP about an incident

⁴²⁰ CGW10

regarding Vasudev Nanda Jagadguru's skirmish with Assistant Commandant, J.K.P. Rai. The visit of ministers on the pretext of looking into the security at Ayodhya, but in fact for overseeing arrangements for *Karsevaks* etc., was corroborated. Complaint of misbehaviour of the CRPF personnel with the M.P. Uma Bharti, President of Sant Samaj Vamdev and with one woman traveller from Manipur was lodged to browbeat the security personnel⁴²¹.

76.25. In fact the *Karsevaks* damaged the Mazar on 1st December 1992 and still no planning was done or steps were undertaken to beef up the security. AK Saran admitted that there was no traffic plans received and that they were only talked about and no barricading was put on the way before demolition. He admitted that they did not conceive that the crowd would go out of control. He further stated that the main thrust of the arrangement was to stop the construction and obviously security of the disputed structure was not a consideration of any importance. He stated that in view of the Supreme Court order permitting symbolic *Karseva*, that there was no use not to permit the crowd to go near the structure or provide security for the same.

76.26. It is evident that a concerted effort was made to show that the State was taken by surprise by the events of 6th December 1992 and it had catered for a symbolic *Karseva* allowed in terms of the Supreme Court's orders and hence it took a complacent view of the events unfolding at the *Babri Masjid* site. Nothing can be more childish and more amateurish than this blatant attempt to mask their ineptitude and more than that, their habitual proclivity to shroud their complicit role. All emphasis was for achieving the object of the

⁴²¹ See the statement of CW-9 SP Gaur and C.W. – 9/5.

manifesto of the then political party in power. AK Saran himself admitted that mind was not applied towards the fact of crowd's capability to forestall the movement of the paramilitary forces in case of their being requisitioned; though it again runs contrary to the admitted fact that the political executive with express orders of the Chief Minister had decided not to deploy paramilitary forces for reasons of their own, which one may imagine but on which I would not like to hazard a guess on.

76.27. The police failure to contain rioters was due to political pressure and timidity of the officers or their desire to please their political bosses or a combination of all these. No guidelines and responsible action plans to prevent and control civil disturbances were made out. No public announcement was made to deal with the potential rioters by force etc. There was neither pre-planning nor a thought had crept into the mind of the Administration to deal with threatened or sporadic acts providing stimuli for mass aggression. Preplanning is unthinkable in view of the Commissioner's admission that he did not know the duties of the police. A. K. Saran, IG, admitted that he did not have any knowledge of the security plan of 1990.

76.28. A theory was put forth that the temple could be constructed without destroying the disputed structure. This appears to be an after-thought inasmuch as during the long course of the movement it was never declared so. Rather despite the undertaking given to the Supreme Court as well as to the NIC with respect to symbolic *Karseva*, no decision was taken by any of the participants for symbolic *Karseva* till fifth of December 1992. A therapeutic decision for the symbolic *Karseva* was made at Ayodhya as late as

the 5th of December 1992, that too was not conveyed to anyone outside Ayodhya. Icons of the movement still continued mobilizing karsevaks for construction of the temple at the disputed site. Quite a substantial number of *Karsevaks* and their leaders were opposed to symbolic karseva and had been declaring all along that *Karseva* would be carried out for the construction of the temple. It was being asserted that the construction of temple would be carried out at *Garb Grah*.

76.29. It was reported by the intelligence as well as the Administration as early as 20th of November 1992 that Shiv Sainiks, were proclaiming that the actual *Karseva* for construction would be carried out on sixth of December 1992 and they are opposed to the theory of symbolic *Karseva*. It is unthinkable that the Administration should not have planned anything consciously. There is nothing to assume that the police and Administration was hostile in 1990. It was observed and admitted by the commissioner Faizabad SP Gaur himself that the Administration and police was neutral in 1992. It points out the attitude and prejudice of the Commissioner himself.

76.30. NC Padhi⁴²² stated that *Karsevaks* were allowed to stay in the walled area, and their camps were near the security wall on three sides of the disputed structure. The *Karsevaks* were allowed to hold meeting in the vicinity of the object of their hate.

76.31. Attempt was made to make it appear that the leadership of the movement was a divided house – while one section was for early construction of the

⁴²² CGW 22

temple at the disputed site, others were intending to carry out only symbolic karseva and to follow the courts' orders. Predominantly, the leadership was vociferous for the construction of the temple. Even leaders like Chinmayanand used to denounce their own undertaking given to the Supreme Court as a mere paper statement. They reiterated that the karseva would be carried out for construction of the temple at the site of the disputed structure.

76.32. The leadership with the participation of the State herded the *Karsevaks* to Ayodhya. Manmade circumstances were created so that neither the Administration nor the leadership nor anybody else could do anything to save the structure. In view of the belligerent stance of Karsevaks administrative functioning and numerical force made available at the spot, it was physically impossible to control the frenzied crowd in the surcharged and hostile atmosphere and ambience.

76.33. Basic principles required to manage the crowd by keeping them within manageable limits and preparing a contingency plan were patently not observed, though RC Agarwal⁴²³ asserted that the requirement of force was worked out for preparing the contingency plan with respect to which privilege was claimed. It was stated by him that the Commission would be taken into confidence. No such contingency plan has been shown or produced for July or December 1992 nor any such plan existed. It appears that *ad hoc* arrangements were made now and then giving an impression of a security plan. DB Roy in anticipation of a future defence wrote a note for

⁴²³ CGW31

holding a higher level meeting to decide about security arrangements in order to prevent administrative problems⁴²⁴. No action was taken on this note nor was any corroborative material brought on the record before the Commission.

76.34. A request was made to IGP security that security plan should be made by sending the DIG security to Ayodhya and establishing a contact with the DIG Faizabad though presently the SSP was taking sufficient steps⁴²⁵. A DO letter dated 12th October for preparation of security plan with respect to disputed structure in view of the gathering of public as pilgrims in October and November 1992 was sought for. DIG Faizabad and the DIG security intelligence re-inspected the arrangements. They desired further tightening of the security and the CRPF to work under the control of State Government. Suggestions of DGP CRPF were not considered by observing that there was no possibility of starting construction work⁴²⁶. It was pointed out that mainly the local Administration would be responsible for the security arrangements. Belatedly on 3rd December 1992 AK Saran asked DIG Uma Shankar Vajpayee for the required traffic management and crowd regulation to be foolproof and the formation of team to detect undesirable elements, which were never done.

76.35. SP Gaur stated that the security arrangements were made keeping in view the eventuality of the crowd going berserk, though without having any meeting with the Organizers and knowing the object of the crowd, nature of

⁴²⁴ See CW 8/ 5, 6

⁴²⁵ See CW 8/8.

⁴²⁶ See statement of CW 8 A.K.Saran and CW8/10.

the crowd, persons likely to participate as he himself has stated. It otherwise also runs contrary to what DIG Faizabad and DIG Security observed when they asked for security plans i.e. there was no possibility of starting construction work. It also emerged from evidence as observed earlier that farcical arrangements were made only for traffic regulation or for symbolic karseva. SP Gaur only for the first time before the commission stated that the arrangements were made keeping in view crowd going berserk. He opined so without having participated in any security arrangements. His statement runs contrary to that of other witnesses.

76.36. He admitted that the demolition was by hardly 200 to 500 people; technically it should have been done by a person well acquainted with the demolition of the buildings. Police showed their inability to control the crowd. It is corroborated from the video cassettes produced before me.

76.37. DB Roy admitted that the object of the barricades was to regulate the flow and movement of pilgrims to *Shila Nyas* site or disputed structure in the context of the security of disputed structure and in order to maintain law and order. Param Hans Ram Chander Dass admitted that there was no barricading between the place of meeting i.e. Ram Katha Kunj where people were being addressed by leaders and the *Shilanyas* site. AK Saran admitted that he was not consulted with respect to the barriers.

76.38. There was a clear breakdown of consultation with paramilitary forces since January 1992 as per NC Padhi⁴²⁷.

⁴²⁷ CGW32

- 76.39. It is too obvious and an inference cannot be denied that the police and the administration were acting at the instance of political executive who wanted to achieve the object of their manifesto. Parkash Singh DGP⁴²⁸ stated that the Chief Minister orally ordered not to use force against *Karsevaks* in the meeting held in July 1992 for which the Principal Secretary (Home) must have recorded in the files, which was not done.
- 76.40. The articulation of governance pretending to be in accordance with the constitution was intended to evade the imposition of President's Rule before the disputed structure had been demolished. Narasimha Rao, the then Prime Minister stated in Parliament on 27th July 1992 that Chief Minister of UP had said that he could not shoot the karsevaks. SB Chavan⁴²⁹ stated that the Chief Minister categorically ordered the forces not to use coercive measures.
- 76.41. It is expected that the police force or the force would not be under specific instructions as to limit of force, ways and means of its use and where or when to use. In the present case the police and the administration surrendered its statutory powers to the political executive and the Chief Minister who issued specific direct instructions, refraining from resorting to firing or to use force against *Karsevaks*. There are no statutory powers – discretionary or otherwise – vested in administration or police enabling the surrender of such powers to any other person or power. These powers can only be exercised by the person in whom they are vested. The administration of the police is usually expected to use force when needed or at least show of the force likely to be used. The

⁴²⁸ CW 14

⁴²⁹ CW 4

government in order to clear just expectation of use of force by the state, issued special instructions not to use force⁴³⁰. There was no rationalized publicity or right preparedness for use of force; rather it was the other way round. No public announcement was made to deal with the potential rioters by force etc. Mark Tully⁴³¹ stated that no effort was made by the police to establish its authority and the whole town was in the control of the crowd. I have no reason to disbelieve his analysis.

76.42. Emphasis was laid by the officers who appeared before this commission that the security was planned for 6th of December 1992 and reviewed from time to time. NC Padhi has specifically stated that the State Government vide letter dated 17th November 1992 from its Chief Minister Kalyan Singh specifically informed home Minister SB Chavan that there is no need for security review and maintenance of law and order is the responsibility of State Govt.

76.43. On the 6th December total force deployed was 35 companies of PAC, four companies of CRPF with one female company, 15 inspectors, 38 sub inspectors, 2300 Constables, 15 tear gas squads along with SSP Faizabad, IG Lucknow zone etc were deployed at the disputed structure, the Ram Janambhoomi complex and Ayodhya town⁴³². A.K. Saran, Uma Shanker Vajpayee, D.B. Roy SSP Faizabad, Akhlesh Mehrotra, Ram Lal, Commandant PAC were present at the spot on 6th December 1992. They were responsible for the security. Here another fact may be noted that the

⁴³⁰ See CW8/3.

⁴³¹ CW 1

⁴³² See the statements of CGW 7, 8, 21, 23, I, 32, CW 7, 19, 14, 19, 20, and DW7 and CW 7/22 CGW24/9 CGW 25/A CW9/7 CGW4/4.

Chowki Ram Janambhoomi had a jurisdiction of 4 km. It had a force of eight constables. Choti Chawni, Janaki Mahal trust, control room and disputed structure etc were important places falling within its jurisdiction. It was admitted by Ram Lal⁴³³ that the security wall was scalable and one Constable posted at a distance of 6 feet was incapable of doing anything. There is nothing on record to show whether Rapid Action Force was deployed. No patrol was deployed. Nobody was on duty on the back of the structure as admitted by SP Gaur.

76.44. Hari Das Roy was appointed the *Maha Nirdeshak* (Law and Order) and he ordered deployment of 1400 PAC men and required them to report on fourth of December 1992. DB Roy SSP categorically stated that some of the force allocated for Ayodhya reported after the event that is the 6th of December 1992. It became impossible even to sensitize the force to deal with the situation.

76.45. Only therapeutically decisions for security like raising the height of the security wall with the earlier decision not to check the karsevaks was taken on 4th of December 1992. Controlling the crowd inside *Ram Janambhoomi* Babri Masjid structure was stopped. The finances for the purpose were still not decided. It was falsely recorded that there was constant patrolling by the police on the security wall. In fact, there was no patrolling, much less effective patrolling. Similarly it was pretentiously recorded that the threat perception was different in 1992 as compared to 1990 and that three separate access passages that is one for men, one for women, one for forces, had been

⁴³³ CGW 15

created. Improving of lights though approved, was yet not carried out for want of instructions for implementation.

76.46. The control room was shifted to Sita Rasoi in order to widen the access of entry of the worshippers to the shrine, despite having been accepted on record that the Sita Rasoi building was dilapidated, from where it would be difficult for the Control Room officers to rush to the structure at the time of need.

76.47. Admittedly the two CCTVs were found insufficient for scanning all the parts of the complex or the structure and though more were approved yet there is nothing on record to show that they were installed.

76.48. An official noting falsely reported that there would be PAC jawans with guns on 13 places with three patrolling parties and that a public address system was installed by the Administration, whereas there was none as admitted by DB Roy, SP Gaur and other prominent witnesses.

76.49. Information was sought by the Government of India with respect to the number of karsevaks expected to congregate on the 6th of December, their mode of travel, and who was providing it, the prominent leaders expected to come, the effect of various programmes chalked in the meeting of the *Dharam Sansad* at Delhi for *Karseva* on the 6th of December 1992 in view of the security arrangement made on the belief that the karsevaks would themselves look after the security. It further required it to be informed about the communal dimensions of the problem at Ayodhya. The situation was

assessed to be fluid and the need for special police arrangements and protection of 29 mosques in Ayodhya and Faizabad was emphasized.

76.50. Local Administration pointed out the insufficiency of force and asked for more force. The demand was declined because of non-availability of force and secondly it was observed that since the symbolic peaceful *Karseva* has been ensured by the organizers so no force was required for security of disputed structure. The Chief Minister declined deployment of Para Military forces on an excuse that they had been stationed without his consent. The DGP too declined the additional force by observing that the force was sufficient. It had been specifically admitted by the District Magistrate as well as the SSP, that there was a complete lack of manpower to control the crowd, which was ensured by the political executive by expressly denying utilization of the paramilitary forces. It would be reasonable to infer that it was a calculated, intentional act on the part of the government and the political executive supported by the Administration and the bureaucracy or the police, who went along with their political mentors for reasons best known to them.

76.51. The Chief Secretary of the state was informed that the Principal Secretary (Home) had received a message⁴³⁴ on 2nd December, 1992 from the Joint Secretary (Home) about the rise of communal tension in Ayodhya and the likely damage to the mosque, and intimation⁴³⁵ about the Muslims leaving as being terrorized and a member of AIBMC attacked by mob. The Principal

⁴³⁴ CW 13/17

⁴³⁵ CW 13/19

Secretary (Home) sent his report to the Centre⁴³⁶ with regard to the information sought about the construction and their activities⁴³⁷.

76.52. VK Sexena⁴³⁸ admitted the fax dated 4th December 1992 sent by the Central Government which emphasized the need for making adequate arrangements for access control, frisking etc. of those entering the *Ram Janambhoomi-Babri Masjid* structure, need for appropriate backup and strengthening the security of the disputed structure with respect to enumerated shortcomings referred to elsewhere in my report. The deployment of paramilitary forces was declined by the Chief Minister to whom he attributed his reservations about the operational command etc.

⁴³⁶ See CW 13/18 and CW 13/20

⁴³⁷ CW 13/31

⁴³⁸ CW 13

77. Gross mismanagement and dereliction of duty

77.1. The force provided continued arriving even after the 6th December when no time was left for their deployment. Nothing was done to ensure the identification of *Karsevaks* landing at the spot. No steps to isolate local criminals, professionals, fringe operators generally joining riot action for personal gains were taken. The police or the authorities not only utterly failed in predicting that there would be sudden upsurge, which was too obvious *rather* they went to the extent of providing a congenial environment for it. The police force and the Administration failed to dominate the crowd right from the early stages while it was vulnerable, rather if it can be said that, it allowed it to grow to reach a flashpoint of being uncontrollable. To add to the patent hostility of the gathering crowds, fuel was added by provocative slogans like "*Hindu, Hindustani, Hindustan, rest go to Pakistan*" "*Badi khushi ki baat Hai, police hamara saath hai*", There was no check provided for the people roaming around raising undesirable slogans or making overtures around the disputed structure or in the town. Some of the slogans like "*Ek dhaka aur do, Babri Masjid tor do.*" "*Ram Lalla hum aye hain, Mandir yabin banayenga*" were too well known having been raised, and even admitted by OPS Malik⁴³⁹. Still the leadership present at *Ram Katha Kunj* or in Ram Janam Bhoomi complex denied it. Deen Dayal Gupta who further accepted slogans were raised from *Ram Katha Kunj* where there was a public address system corroborated the fact. Mahant Paramhans Ramchander

⁴³⁹ CGW 16

Dass⁴⁴⁰ admitted that people were raising provocative slogans and they were in favour of Ram.

- 77.2. Large number of such slogans were heard and read in the newspapers and heard in the media etc., though persons like Ashok Singhal and Uma Bharti had the audacity to deny the admitted slogan like "*Ek dhaka aur do Babri Masjid tod do*" It was admitted by Param Hans Ram Chander Dass that it was not possible for the police force in any number to stop such a large number of people and protect the structure. He admitted that no constabulary was seen and there were specific instructions from the Chief Minister not to use the force. Mahant Paramhans Ramchander Dass⁴⁴¹ admitted that senior leaders like Mahant Aavidyanath, Swami Vam Dev, Swami Ramchander Paramhans and Swami Nritya Gopal Das repeatedly and clearly announced that *Karseva* will start, on 6th December, therefore the question of stopping *Karseva* or changing the venue did not arise⁴⁴². Mahant Paramhans Ramchander Dass admitted having repeatedly announced through the mike to the *Karsevaks* that demolish the structure, you will not get such opportunity again⁴⁴³. One can see the double facets of even the leadership when a leader like Uma Bharti in her attempt to suppress facts said that journalists were her source of information yet she did not get information with respect to the danger to the disputed structure or the slogans or the slogan on walls or distribution of pamphlets or of audio cassettes or her knowledge that in case of no construction of temple agitation

⁴⁴⁰ DW-11

⁴⁴¹ DW-11

⁴⁴² DW-11/9

⁴⁴³ DW-11/10

would start. Denials or non raising of slogans cannot be accepted as apart from the video cassettes/CDs produced before me recording such slogans, the prognosis of the evidence supports the fact that the slogans were raised. Reference may be made to the statement of J. S. Bisht.

77.3. It has come in evidence in the video graph that Param Hans Ramchander Das said "*De denge le lenge, nahi to lad ke lenga*" "*Badi khushi ki bat hai, police hamara sath hai*", etc. Provocative speeches and slogans were affecting forces who subconsciously or consciously carried the prejudice, be it religious or otherwise. Neither actually nor otherwise any steps were taken to contain them nor were any attempt made to do so despite the government being conscious of it which was obvious too as they were demonstrative in 1992 at Ayodhya.

77.4. Not even simple attempts were made by the Administration or the police to disperse the crowd or dissuade the *Karsevaks* from their undesirable, provocative innuendos and instigatory acts. Police did not take any steps to contain the so-called declarations of senior organizing leaders or the Sadhus that they are not affected by the Supreme Court order and they would follow the directions issued by the Sadhus and Sants who were asserting categorically that the construction of the temple would be carried out on 6th of December 1992 irrespective of courts orders. The Police and Administration had not taken any action despite a news item published on 25th November 1992 reporting the claim and declaration of Champat Rai the *Sangethan Mantri* of RSS at *Bhagwada Charya Samark Sadan* that Guerrilla strategy would be adopted on 6th of December 1992. He was

admittedly in charge of construction of the disputed structure at the site. Not even a formal inquiry was made from him much less from others. Open proclamation was made by Ramesh Chander Srivastava, organizer of the BD stating that the workers of BD would work under their own leader and accordingly do the Karseva and that the temple would be constructed at all cost. The police took no action. The political executive run by a political party wanted their agenda for construction of temple to be achieved, in spite of their declaration that a particular structure would be protected, which in fact was never intended. It was reported by Rakesh Sinha⁴⁴⁴ that the police was taunted. This fact has been corroborated by Acharya Dharmendra Dev and other witnesses. There was stoning of CRPF and not the district police or PAC. The PAC or local police was participating in Darshan in uniform during duty hours. Neither Police nor the Administration nor organizers made any efforts for checking, or controlling the crowd or regulating Darshnarthis, *Karsevaks*, either for the entry to the disputed structure, or *Ram Janambhoomi* complex or the town of Ayodhya itself.

- 77.5. The organizers had originally planned for visit of 20,000 people at a time and then decided to call all the *Karsevaks* without even informing the Administration. No supervision or control over people or the *Karsevaks* entering Ayodhya was made by the police. It was asserted by the witnesses from amongst the organizers that all the *Karsevaks* were called under the compulsion of apprehensions of dismissal of the government and in anticipation of likelihood of the President rule being imposed resulting in

⁴⁴⁴ CGW 19, in CGW 19/12

deployment of the central forces. The intelligence reports available with the State and Centre were since 26th of November 1992, indicate that about 10,000 *Karsevaks* had clandestinely been positioned in and around Ayodhya. Still neither the police of the district, nor of Ayodhya, nor the Administration took any steps to contain them or to even find out their intention, which obviously could not be plain and simple symbolic *Karseva*.

77.6. The Administration or the police did not take any steps to stop the *Karsevaks* from proceeding to Ayodhya or regulating their entry at any point in the state of UP. One can observe no security arrangements were thought of or provided for such a large unmanageable frenzied crowd by the police or the Administration or the organizers. The Chief Minister was leading the Administration till the final demolition of the domes. Ram Lal⁴⁴⁵ admitted that though the Chief Minister cannot give direct orders, still he used to do so, though later he prevaricated and said in the next breath that no orders were given by him directly.

77.7. For the entry of the media, passes were issued by the VHP or the organizers whose In-Charge was one Ram Shankar Agnihotri. It is by itself a clear pointer that it was the organizers who were running the Administration and deciding who should be allowed entry and who should not be, though it is expected to be the job of the Administration.

77.8. Police did not take any steps to stop or contain the beating of photographers and journalists representing the media right from fifth of December 1992

⁴⁴⁵ CGW15

onward. The police did not take any action with respect to the other incidents happening prior to sixth of December 1992. Reference can be made to the video cassettes produced before me.

77.9. The Administration and management was allowed to be carried out by the RSS volunteers and not by the police or the Administration themselves. DGP Tripathi admitted that accessibility to the disputed structure was relevant for security. The police or the Administration did not manage, or organize or create adequate barriers to the accessibility to the disputed structure. Demolition did not take place from the roof of the domes. It was carried out systematically and scientifically from under the domes. A suggestion was made that plain clothed policemen were stopping the entry of *Karsevaks*. There were no premises for it. It was nobody's case i.e. police or Administration that any plain clothes policemen were even deployed. Reference can be made to the statement of Suman Gupta⁴⁴⁶ as well as Mishra⁴⁴⁷ and Nirmala Deshpande.

77.10. It would also be reasonable to infer that due to the political climate and timidity of the officers in the Administration or induced by an innate sense of compliance of political master's wishes they took no decision independently. Prabhat Kumar, Home Secretary stated that no officer be he from police or a bureaucrat or executive or political executive took any independent decision with respect to Ayodhya or issue relating to it after taking over the Chief Ministership by Shri Kalyan Singh. He used to take

⁴⁴⁶ CGW9

⁴⁴⁷ CGW 49

decisions on it. No other person or other officer was allowed to take any decision with respect to Ayodhya or issue relating to it despite some statutes ordaining certain officers like district Magistrate to take independent decision and implement same. The police and political executive took no effective steps to dilute the aggression towards the disputed structure. Quite the contrary it was aided and abetted in myriad ways. People were mobilized by the government itself for the same and they continued aggressively. The bigoted feelings of majority as well as minority communities continued. The fiery speeches, hoardings, slogans, all devices were used to sway passions. The congregation of *Karsevaks* was allowed up to the Babri Masjid. The Police or Administration ignored the previous conduct of *Karsevaks*, their fanatical disposition particularly when the same was being projected through words, latent and patent acts on public stage platforms or in private talks and even calling the acts to be heroic acts. No permission for congregation right under the contentious object, or about the spot for congregation was taken by the organizers. Police took no action when Swami Chinmayanand, a politician cum Sadhu who gave an undertaking in Supreme Court for symbolic *Karseva* and when he subsequently declared in December 1992 at Ayodhya that it would be actual *Karseva* and that the statement in the Supreme Court was meant for judicial deference. Reference can be made to the video CD produced before this commission and which is available in the evidence. The Police had not taken into consideration the past acts of damaging the disputed structure which provided a preface to acts or happenings of December 1992.

77.11. It appears that the inadequacy of human resources to protect the structure was intentionally taken advantage of by the system itself, state administration's inertia and proverbial feature of intransigencies of top heavy Administration. Reference may be made to the statement of Suman Gupta. Ashok Singhal and other VHP leaders openly stated that the *Karseva* would not be carried out according to the directions of the Supreme Court but as per the directions of *Kendriya Marg Darshak Mandal*. The crowd too was mobilized and motivated for the carrying out the Karseva in accordance with the directions of Sants and Sadhus and not in accordance with the Courts' directions. A façade of compliance of Courts' order was maintained. Organizers and the political and administrative executive were in fact acting and conducting themselves contrary to what they were spelling out to the media or otherwise holding out to the courts or to the public. It cannot be denied that such a crowd had the potentiality of being unlawful. CD Kainth stated that PAC was standing in groups when the demolition was in full swing.

77.12. There were no specific instructions to the police to clear the obstructions between Ayodhya and Faizabad. The police and the administration made no planning which gets affirmed when OPS Malik admitted that no planning was made ensuring the movement of forces in the eventuality of need of force at the spot. No paramilitary forces were deployed in view of the stand taken by the Chief Minister regarding stationing of forces without his consent. Force was requisitioned after obtaining the orders of the Chief Minister. Forces met resistance on its way to Ayodhya. The Police failed to remove the

hurdles on the way. The Police failed to even disperse the crowd resisting the movement of forces. The Para military forces which were requisitioned were sent back to the barracks under the orders of the District Magistrate.

77.13. A determined group of people broke the security cordon and marched towards the disputed structure from near the *Manas Bhawan Choraha*. It gives an impression that the administration was waiting for the grand finale. It was asserted that an attempt was made to stop the *Karsevaks*, which cannot be believed as there is nothing on record to show how and in what manner it was done, especially when the police was refrained from firing and use of force against the *Karsevaks*. Obviously the police and the administration were under a make-believe fear psychosis of mass reaction. The psyche generated in the absence of effective deterrent action by the Administration emboldened the *Karsevaks* to run the spree of destruction and demolition with impunity and fearlessness.

77.14. No one drew up a fall back plan for what to do if the organizers or *Karsevaks* decided to renege on their words. Instead of using force, the police force withdrew from the scene and vanished till the demolition was complete and the idols were installed in the makeshift temple. It was a planned coup.

77.15. The Chief Secretary, VK Sexena found that there was no problem of cooperation between CRPF and PAC which is contrary to the evidence of other witnesses including the Chief Minister etc. The Chief Secretary stated that there was no need to regulate entry of Darshnarthis on ordinary days except on festivals which was already there. He fully knowing the distinction

in Darshnarthis and *Karsevaks* stated nothing about the need of regulating the crowd of *Karsevaks* despite what happened on the Ram Navami festival in April 1992 as stated by SC Chaubay⁴⁴⁸. Frisking and checking though stated to have been provided on the face of it was a farce. Manual frisking of a large crowd was not possible. Ram Shankar Agnihotri made the arrangements for journalists on Manas Bhawan with the police force deployed and nothing was done when the journalists were being beaten there, and the police was not able to clear the passage for the paramilitary forces between Faizabad and Ayodhya where the number of *Karsevaks* was about 2000, creating the blockade as stated by Peeyush Srivastava⁴⁴⁹.

77.16. Madhav Godbole⁴⁵⁰ stated that powder valued at Rs. 3 Crores was stated to be imported from United Kingdom for crowd control by sprinkling on face. Nothing was heard about the use of the same.

⁴⁴⁸ CGW 23

⁴⁴⁹ See the statement of Chief Secretary and CGW 23/4.

⁴⁵⁰ DW 13

78. The inadequacy of planning and response

- 78.1. No substantial and effective security steps were taken despite of the threat perception because of the large crowd. Prabhat Kumar accepted in July the danger to the disputed structure because of the large crowd though the Chief Minister Kalyan Singh refuted this.
- 78.2. The arrangement for such a frenzied crowd mobilised not only by political leaders but also by Sants, religious leaders, social workers etc. with provoked anger against the disputed structure in terms of patriotism, was a canard or a farce and insignificant. Particularly when the religious faith of one religion was challenged by stating or describing them as invaders or perpetrators of injustice, thereby inciting *Karsevaks* to take *revenge* at all cost, be it life, against the other community, which is admittedly a distinct religious group.
- 78.3. Proposed minor cosmetic security steps were taken but the same were rendered totally ineffective by the one order that the force would not be used and no firing would be resorted to under any circumstances. One is left to imagine that what a force of thousand or so could do to meet the sea of humanity collected in small cramped area in the complex. The impatient crowd was allowed to grow to such an extent, that it became impossible to meet their brute force of sheer numbers.
- 78.4. The Magistrate leading the force, Sudhakeran, on receipt of a message from the District Magistrate from the control room at Sita Rasoi directed the

troops to go back to some safer place and be ready for further orders⁴⁵¹ at 1.45pm. No order came thereafter.

- 78.5. It was attributed to Adeeb Magistrate that “*we do not want the massacre of Karsevaks by sending the RAF troops and do not want the RAF jawans to be lynched by the frenzied mob*”. It was so reported in media⁴⁵². It was specifically pointed out by Raman Kirpal⁴⁵³ that the local residents of Faizabad and Ayodhya played a major role in blocking all the approach roads. He stated with respect to post event fact that on 7th December only about 300 *Karsevaks* gave nominal resistance in the movement of paramilitary forces, which was easily overpowered⁴⁵⁴. RK Wadhera⁴⁵⁵ corroborated the basic facts that the District Magistrate approached him for providing four battalions. Immediately, 24 companies were released by 1.15 p.m. and left the Dogra regiment camp accompanied by a Magistrate. The request for release of total 50 companies was received. District Magistrate was requested to send Magistrates and Circle officers to accompany the forces, who never came. He stated that still the persons like DB Roy whom he called a show boy of the state, and who aided in the disaster of 6th December 1992, had the audacity to state that paramilitary forces were only preparing *Pesh Bandi*. He further stated that DB Roy appeared to be more proficient in preparing a defence for his own inefficiency and grave misconduct in the discharge of his duties. He

⁴⁵¹ *vide order CGW 16/11*

⁴⁵² *CGW 24/2*

⁴⁵³ *CGW 24*

⁴⁵⁴ *See CGW 24/3, 4*

⁴⁵⁵ *CGW 36*

stated that the hot line from Garb Grah ceased to function at 12:30pm. I find truth in the statement of R.K.Wadhera⁴⁵⁶ and believe him as such.

78.6. Deen Dayal Gupta a patent supporter of the protagonists of the movement, admitted in his statement that slogans were being raised from *Ram Katha Kunj* roof. There was a public address system and the icons of the movement, all the leaders, organizers, Sadhus and Sants and the protagonists of the temple construction movement were present at the Kunj, the roof of which was used as a raised platform to address public meetings. The respectable leaders or officers in spite of being present at the *Ram Katha Kunj* either totally denied the raising of slogans or pleaded amnesias in order to avoid embarrassment.

78.7. None from the Administration had the control over the public address system of organizers. It was installed by the organizers of the movement and they were in control of it. It was used by the leaders or organizers of the movement only. Ram Lal⁴⁵⁷ admitted there were no means or instruments or equipment for giving instructions to the force at the spot or in the field or in Ayodhya. It was accepted by him that there was no communication or contact with the officers or force, consequently no action was conveyed during the period the demolition was being carried out. There were no means of communication, or contact between CRPF, police officers, or control room, or district police or PAC or other officers of the Administration. The wireless set available with the CRPF in isolation cordon

⁴⁵⁶ CGW 36.

⁴⁵⁷ CGW 15

could provide communication between the CRPF control room and officers present in the isolation cordon and that too ceased when the *Karsevaks* stormed the isolation cordon⁴⁵⁸. Walkie-talkies were available only with the Sub Inspectors or inspectors alone.

- 78.8. The bureaucrats tended to use the Ayodhya issue as a launching pad for personal advancement. The hidden desire of police officers to encash the dividends in national politics became evident by their post event conduct. The problem was not what was needed to be done but who was going to do it. In totality of the facts and circumstances here in the Administration or the police did not take obvious steps much less as an expert in administration to obliterate the known consequences or one which can be perceived by an ordinary prudent person in a coherent administrative system. The government had been openly objecting to comply with court's orders and protect the structure. The government from the very inception by its conduct, active or passive acts was implementing its political ends rather than discharging its constitutional obligation. All fingers were pointing towards this inevitable conclusion. They maybe through the means of articulation of the speeches, political speeches, conduct in day-to-day life, implementation of policies or courts orders, government declarations, style and pitch of declarations, or sending signals to one's cadre or creating some circumstances in ordinary course to achieve the political manifesto by subverting the constitution politically to achieve its political objective rather than governing in terms of constitution provided by the people to govern themselves.

⁴⁵⁸ See statement of PN Ramakrishna CGW 21

- 78.9. The political executive run by the political party wanted their agenda for construction of temple to be achieved, in spite of their declaration that a particular structure would be protected which in fact was never intended. The construction of the temple was an organised illusion to anesthetize the masses of the country to rediscover their Hindu identity while the leaders and pretentious saviours feathered their political futures no matter if India's existence was jeopardized.
- 78.10. The Administration, executive, bureaucracy, political executive, Sangh Parivar, organizers of movement, protagonists of temple construction movement and police, constituted a cooperative or cartel to deliberately demolish the disputed structure to achieve the objectives given in their election manifesto. Therefore all the acts of the State Government were veiled to put the articulated acts in terms of the constitution. I may hasten to add that the constitution was twisted and its letter and spirit bent for political ends. They supplemented each other in attaining the object of construction of temple. As a necessary corollary, in the process intentionally, virtually no security of the disputed structure or arrangement for crowd management was provided.
- 78.11. The events after the 1991 advent of the BJP government in the state of UP up till the demolition of the disputed structure, were however marked by rank inefficiency and incompetence. During this period the subversion of the constitutional machinery in the state by the political arm of the state was compounded by administrative subterfuge and political doublespeak.

78.12. The State Government, local Administration, Executive, bureaucrats, Political Executive was in the know and conscious of the threat perception and apprehensions of demolition or damage to the disputed structure. They vacillated, procrastinated, but willingly. The stand of the state or of the executive or of the political executive or the statement of the icons or D.B. Roy as well as that of other witness was, that there was no threat to the disputed structure nor was there any apprehension with respect to the demolition or damage to it. This stand and the statements cannot be accepted, and is falsified from the conduct of the propounders. In totality, the evidence on record and the conduct of the officers on the spot at the time of demolition and after demolition leads to the only inference, especially taking into account that it was an intentional and a conscious act, abetted by the local officers, the administration and the executive, D.B. Roy, AK Saran, SP Gaur, Parbhat Kumar, Ashok Sinha (the then Secretary Tourism) etc., to appease the Political Executive and the chief Minister, Kalyan Singh, whose object was ostensible compliance. It was no less intentional and a conscious act of the Administration, to keep its eyes closed to the developing situation and fulfilment of its election manifesto.



सत्यमेव जयते

REPORT OF THE
LIBERHAN
AYODHYA
COMMISSION
OF INQUIRY

CHAPTER 8
CIRCUMSTANCES

79. CIRCUMSTANCES

ALTHOUGH a prince may rise from a private station in two ways, neither of which can be entirely attributed to fortune or genius, yet it is manifest to me that I must not be silent on them, although one could be more copiously treated when I discuss republics. These methods are when, either by some wicked or nefarious ways, one ascends to the principality, or when by the favour of his fellow-citizens a private person becomes the prince of his country.

[...] Hence it is to be remarked that, in seizing a state, the usurper ought to examine closely into all those injuries which it is necessary for him to inflict, and to do them all at one stroke so as not to have to repeat them daily; and thus by not unsettling men he will be able to reassure them, and win them to himself by benefits. He, who does otherwise, either from timidity or evil advice, is always compelled to keep the knife in his hand; neither can he rely on his subjects, nor can they attach themselves to him, owing to their continued and repeated wrongs⁴⁵⁹.

- 79.1. Man's lust for power; and political power especially is unparalleled. This lust may remain hidden in the subconscious mind, as it does in the majority of the people with insufficient political, social or economic means; or it may surface and manifest itself in an unrestrained manner where nothing matters beyond the politically desirable results, howsoever they may be achieved.

⁴⁵⁹ Nicola Machiavelli, *The Prince, Chapter VIII – Concerning Those Who Have Obtained A Principality By Wickedness*

- 79.2. This lust for power is characterized by an urge and quest for trying to use politics for one's own purpose, irrespective of the consequences of it on the nation, the individual or the society as a whole.
- 79.3. Unfortunately, we are witnessing the politicization of all institutions regardless of the polluting effect this is having on all aspects of the society. The loss of political neutrality and the convenience with which justification can be found for every action has rendered all objectives of peaceful civilized society as enunciated by intellectuals, leaders, philosophers, thinkers since ancient times, obliterated.
- 79.4. The law – common or constitutional, morals, ethics, epics and everything else is being examined in the scales of politically desirable results. It is immaterial whether those results are legitimate or healthy for democratic governance. Everyone is out to become Politician rather than a Statesman. The politician has become the epitome of the proverbial rags-to-riches story.
- 79.5. The common Indian has formed the firm belief already that the ills that face us can be traced to the political leadership and can be cured by a voluntary reform in the political parties and their leadership itself.
- 79.6. Leadership comes at a price. Usually it is those around the leaders who pay this price.
- 79.7. The Ayodhya issue cannot be confined to the geographical limits of Ayodhya city alone. The innumerable shades of this issue can neither be reduced to a definite black-and-white nor reduced to manageable numbers. The issue has cast a shadow and has had consequences on the national life of India as a

whole. Deliberate attempts have been made in the past and are still being made to confuse and obfuscate the issues, which have economic and sociological dimensions as well; possibly for ulterior hidden considerations.

- 79.8. All the people who had to deal with the episode on and leading up to the 6th of December 1992 dealt with the issue from their own individual perspective and in furtherance of their own agendas. For example the District Magistrate actively connived in placing idols at the disputed structure in 1949, as evidenced from his later conduct; after laying down office, he went on to contest election and joined active politics.
- 79.9. Dau Dayal Khanna, and Gulzari Lal Nanda who came on the scene around the 1980s were in active politics; Prof Rajinder Singh was an RSS leader. The RSS believed that in order to make a success of their philosophy, political support was critical. The launch of the *Jan Sangh* was commonly perceived to be in furtherance of this perception and the *Jan Sangh*, and later its successor – the BJP, had always been viewed as the political wing of RSS.
- 79.10. The successor to the *Jan Sangh*, the present day BJP did *prima facie* reap the fruits or spoils of democracy through the support of RSS and its allied associations at the polls.
- 79.11. The Temple became one more issue for the use and exploitation by the political parties for furthering their objectives. The political parties started using the temple issue as a veil to emotionally exploit the emotions for electoral gains. The basic human problems and issues were lost in the melee and endless rounds of the blame game which were played.

80. The Ayodhya “Issue”

- 80.1. It seems trite that one must begin by defining what was generally understood by “The Ayodhya Issue” or the temple issue. The answer is anything but simple. *Ayodhya Issue* was used as an epithet to describe almost anything.
- 80.2. In fact the term was commonly used to include a whole set of ideological issues including those of a multi-cultural society, multi cultural, educational, communal policy, nationalism as cultural nationalism, secularism and pseudo-secularism, *Hindutva*, Hindu Rashtra and the history of Hindu shame etc.
- 80.3. The exact connotation of the phrase depended upon the one using it; this was obviously an overused and much abused phrase in that sense.
- 80.4. The Ayodhya issue encompassed many diverse issues and was not only limited to the smaller set of problems of the city of Ayodhya, or the temple, or the structure which may or may not have been the Babri Masjid.
- 80.5. The political realization that *The Ayodhya Issue* was ripe with possibilities and had far reaching political implications, had by 1989 taken definite shape. The possibility of using it as an election plank had emerged and what had hitherto been a local or a purely localized religious issue consciously made a full blown political agenda.
- 80.6. PV Narasimha Rao and all other leaders of national level have admitted that Ayodhya became a national problem after the intermixing of religion with

politics over a period of time. He opined that issue could not be termed as exclusively communal or exclusively political.

- 80.7. The RSS was the first to detect the possibilities and the potential of this issue. The *Shila Pujan* programme was the initiative of the VHP duly approved by its *Dharam Sansad* and was supported by RSS. Prior to this, the RSS and its *Swayam Sevaks* had overtly and covertly started stepping over the issue of Ayodhya four decades after the independence of India.
- 80.8. Prior to 1989, Ayodhya was not a mainstream issue and was on the metaphorical back burner. Thereafter, this local district-level issue was projected as a great challenge to the entire Hindu community⁴⁶⁰. The religious issue thus transformed into a political issue. The transformation was facilitated and encouraged by the Bharatiya Janta Party (BJP). As evidenced by the documentary and oral evidence lead before the Commission, it is indisputable that the BJP initially supported the issues covertly.
- 80.9. The BJP realized the potential of securing a highly emotional mass base capable of being manipulated on religious grounds. In order to capitalize this base, it alleged that the congress and the other parties were betraying the Hindus by appeasing the minorities. They projected themselves as the champions of the Hindus and promised the Hindu citizens their protection. They said that the lack of Hindu rule, as per the dictates of the Shastras was the root cause of the problem and promised to correct this anomaly. The leadership which endorsed this approach of using religion for politics was

⁴⁶⁰ See file No 4.200/30/D/89

expected to have seen the danger of allowing rioters to go unchecked and of helping the separatists endanger the integrity of the nation, though the leadership admitted before me its potential and probability.

80.10. In consonance with the objectives of the RSS of establishing a Hindu Rashtra, to the BJP, as the political wing of the RSS intermingled the religious issue with a political issue to secure political power nationally. It decided to support the temple construction movement by lending its political influence, resources and support vide its Palampur resolution in 1989. The BJP included the issue in its election manifesto for centre and state elections, effectively elevating the issue to a national politico-communal issue.

80.11. Ayodhya became a symbol for the common man and the means for achieving power for the leaders of political and religious parties. The campaign for construction of the Temple was a convenient smokescreen for the subversion of religion into politics.

80.12. Quite a number of leaders and parties wanted the issue of Ayodhya to be kept alive in order to reach out to the religious minded Hindus and it could be used to create an atmosphere of worry and fear within the various communities. In the ensuing uncertain atmosphere, the political parties could now make promises of security and peace during their election campaigns.

80.13. The Ayodhya issue had become a major area of concern for the common man by 1991. The Muslim leadership also contributed to this escalation since it too projected the issue into a Hindu versus Muslim contest. The image of the Ayodhya movement was that of a government movement i.e. governments of

BJP. It was BJP that infused political life into the issue and built it into a movement.

80.14. The dispute and the issue related to the construction of the temple at the disputed site were compared with the destruction of Som Nath Temple and its reconstruction from time to time. Just as with the destruction of the Som Nath temple, the structure at Ayodhya was also proclaimed to be a symbol of the Muslim invaders and of national shame. There is no commonality or historical or factual parallel between the Som Nath Temple and the disputed structure at Ayodhya. There was no construction of any Mosque at the site of the Som Nath Temple. It retained its identity as a temple throughout. It was only destroyed or looted by invaders from time to time.

80.15. The BJP made intelligent use of selected fragments from history, interpolated with unrelated current events and put forth a highly distorted argument in favour of the temple reconstruction movement.

80.16. With the passage of time the temple construction movement or its object did not remain a temple issue alone but it acquired perception as a symbol of race, religion and ethnicity. It grew increasingly bitter and more ethnic and communal with Government ignoring the religious deluge.

80.17. The interested leadership successfully polarized the people on the issue. It converged and converted into the political weapon in the hands of those who preferred results to everything else including democracy or respect for authority. The dimensions of the issue were constantly being attuned and methods devised to reach the correct political result. Attempts were made by

either political group or persons leading the pro and anti construction agendas to exploit the issue from their own end. It led to various marches or Yatras whose impact cannot be underestimated. The philosophy and objective purportedly underlying the issue was only a smokescreen.

80.18. The Government even passed a *Religious Institutions (Prevention and Exercise) Act*, prohibiting the use of religious sites for political purposes and harbouring accused.

80.19. It is impossible to identify any alternative particular reason, which can authoritatively be said to represent the intention of movement. The only apparent motive was to polarize electorate on the premises of caste or religion.

80.20. It is undisputed that the cause had entered into the major political arena for acquiring political power and particularly for sinister purposes. Religion followed by communalism leads to the reinforcement of the caste system which already has deep roots in the society. Religions necessarily need castes and vice versa. The political parties' vested interests of establishing religious niches for themselves for acquiring political power in the numbers game, consciously or unconsciously converted religious issue into identity politics in order to advance the interests of the members of the group. It is irrelevant whether it is the majority or the minority. It further provided for mistrust in governance and the premise for the blame game in order to justify one's own actions. Each player of identity politics claims his action to be in defence or as a counter claim to the other.

- 80.21. The demand for the construction of the temple deprived the Hindu religion of its secular, multi-religious and multicultural credentials of the well reputed Hindu philosophy and the thoughts generally prevalent.
- 80.22. The diverse political parties, divided into groups tend to divide the nation as well. Political parties were acting on what would be beneficial to them and prove popular for garnering votes; what was good for the society was consciously obliterated.
- 80.23. The Ayodhya movement was the culmination of various declarations, hidden intentions, motives and historical and non-historical circumstances created by human ingenuity. The ultimate demolition was the culmination of the circumstances created in the process of acquiring and retaining power. What was needed and not done unfortunately was to treat Ayodhya as a bridge between the present and the past, centring on the thought of the city as a religious place.
- 80.24. The foreign rulers whether knowingly or unknowingly, wittingly or unwittingly sowed the seeds of communalism and castes in the country, disrupting the peace between the communities by keeping a non-issue alive and generating chaos, uncertainty, doubts relating to the relations and the interest of the people of different cultures. Attempts were made by self seekers to keep issues festering, helping them to grow further and faster.
- 80.25. The thoughts and so-called philosophies resulting in the demolition had their foundation in the various theories and thoughts floating during the pre-partition era. It would be expedient to describe some of those theories, the

details, and the facts and circumstances before partition. The theory is a sequel to the seeds of communalism or castes sown by foreigners and kept alive in later times by selfish leadership.

80.26. Mohammed Ali Jinnah propagated the two-nation theory. The other thought prevalent, as has been observed by Khushwant Singh and some others was that of *Hindutva* and the Hindu Rashtra advocated by Savarkar. The *Hindutva* and the Hindu Rashtra doctrines, it was said, infused strength in it by reviving the exaggerated memories of all the wrongs said to have been committed by the Muslim rulers of India.

80.27. Khushwant Singh in his writing commented that a general atmosphere was created that all the wrongs which had been committed by the Muslims and which had resulted in religious bigotries in neighbouring countries in the past, had to be set right. With the passage of time this became a real rallying point leading up to the demolition of the disputed structure.

80.28. The rise of *Hindutva* elevated persons like Vinay Katiyar, Paramhans Ram Chander Dass and Ashok Signal to the status of leaders of religious Hindus. Successive governments did nothing to discourage this political mobilization on the basis of religion and thereby allowed the communal legacy of pre-partition period to continue. Various concessions, big and small, including in the fields of education etc. converted diverse people united only because of their following a religion into insulated social communities. As a natural corollary the political leaderships developed a vested interest variously in the majority and minority communities.

- 80.29. The rule by a particular party and the propagation of their particular religion became synonymous. It came to pass that nothing else mattered beyond the politically desirable results however achieved.
- 80.30. The Muslims ruled over the predominantly Hindu population for about 700 years; during this period their treatment sometime was just, while other times it was cruel. The governments or the political parties who came in power after independence failed to resolve the Hindu-Muslim differences or close the centuries old cleavage between them. Instead, differences along the lines of caste, creed, and religion continued to be emphasized. There was a tussle to wrest rights by the minority from the majority and vice versa which infused the communities. Unfortunately, national heroes, leaders, *Sants*, philosophers, religious leaders and social workers despite proclaiming to build a casteless nation or secular society failed for centuries to correct this, in spite of innumerable sects having come into being, each claiming to be the casteless sects.

81. The role of the political leadership

- 81.1. SP Mukherjee's diary published by Oxford University Press quotes him saying "*the settlement between Hindus and Muslims is impossible. Fight is necessary. A dog eats dog or Indian fight Indian cannot be the end of the story*". These sentiments and similar ones kept festering below the surface for ages.
- 81.2. In this situation the political middlemen emerged as interlocutors for the communities, picking on emotive issues, apparently for tightening their hold on their communities and diverting the attention from real bread and butter issues.
- 81.3. The country having been partitioned on the very basis of religion, the divides of caste, region, ideology etc continued to breed and flourish afterwards. The leadership managed to ensure that the people learn little, if at all, from the past history and instead allowed the politics of corruption, division of society on caste, regional and religious basis to grow and bloom.
- 81.4. Caste and religion, as is well known has its effect on democracy as well as social revolution. It becomes focused on political mobilization at all levels of society in a pursuit of power. Individuals with this mind set scramble up the social ladder while retarding social justice as can be seen in the Indian politics, which was developing fast after independence. Many unlettered individuals who had no practical experience of any social sciences nor were known for their knowledge, intelligence or expertise in any field moved up

the social ladder by a paradoxical erosion of the traditional caste system and religion at the cost of nation and the society under the veil of social revolution. This provided them an opportunity of enjoying the spoils of democracy; they were supported by some sections of the media for their own hidden reasons or as a consequence of the degradation of its moral authority.

- 81.5. There is no denying the fact that elections are one more opportunity for the religious leadership to promise support to the candidates in return for their specific promises to support a particular agenda upon election. The religious leaders can wield enormous influence within their communities and are thus able to enforce the success in the elections as well as the compliance of the assurances given. Undisputedly this was the case during the present movement of construction of temple, with its incidental degradation of constitutional, ethical, moral and secular values.
- 81.6. The multicultural, linguistic life of an individual or society requires religious neutrality for proper political governance from their representatives and the institutions created under the Constitution. However, the events show that at present, the religion and caste has influenced the threads of governance and resultantly the polity has got polarized and divided.
- 81.7. In reality it was the “religious behaviour” of the political parties of the day which provoked the people into demolishing the structure. It was believed that the result was a tailor-made exercise of a logical position that was known and guided by the polity because of the popular support by the majority community.

- 81.8. The leaders of the movement did not invoke any intellectual hierarchy for the movement, but rather an emotional one in the name of religion. The motive of gaining political power impelled the temple construction movement which finally led to the demolition of the disputed structure.
- 81.9. An act which is committed because of a desire to accede to the demand of the people and for political expediency, despite its being violative of the constitutional order, can lead to no other consequence except, chaos and civil war.
- 81.10. Emphasis was laid, by various leaders who appeared before the Commission that the first principle of governance is that the majority rulers can do as they please notwithstanding the rights or objections of the minority. The individuals' rights against the majority are confined to some areas concerning life only. On the contrary, the protection provided by the Constitution through the fundamental rights cannot be disturbed or upset as the same would lead to tyrannical rule. When the state of UP chose to govern according to its own desires and its election manifesto, it violated all the provisions of the constitution, legislatures and of the rule by a majority; this governance can be more aptly termed dictatorial.
- 81.11. Most of the population of Ayodhya belonged to the priestly class and was not involved in any other vocation. Their lives revolved around the temples and they made their modest wages, running small temples. They found it difficult to obtain benefits of current society even though they naturally had

the usual expectation which were not being fulfilled by the government or by the society.

81.12. Governments or administrations which survive only from crisis to crisis and by surviving last minute challenges providentially, unconsciously fritter away the independence acquired through parliamentary democracy of majority and leave the door open for the opportunists and political hustlers to foster unnecessary caste and religion wars like Mandal and Ayodhya etc.

81.13. It is for the leadership and not for this Commission to debate with experts to find ways and means to get rid of old prejudices and conceptions of a bygone era which helped divide the country into two. It is for them to utilize the available economic and human potential for creating employment opportunities and satisfying other needs of the people in this fast developing era of science and technology. It is for them to find ways and means to minimize the negative influence of religion, region, caste or fundamentalism as hurdles in the growth of the nation.

81.14. In Ayodhya, the relationship of the police, bureaucrats, political executive and the administration with the public, was poor. In hindsight, this needed the attention of administrative and governance experts. It now calls for a further look on the interaction of politics with religion, caste and regionalism; and the participation of religious leadership in politics.

81.15. There was a visible malfunctioning of the social system and a lack of social interaction by individual groups within the society and by the various religious groups which resulted in the hostile outbursts. Similar tendencies

around the country therefore must be checked, for preventing recurrence of similar situations.

- 81.16. Ayodhya was a case of the exploitation by the majority as well as the minority of the other class in a power game which resulted in terrorizing the common person. The competition between the religious and the political leadership also requires a closer look and needs to be curbed.

82. The legislators

82.1. The legislators are expected to be composed of rational men acting with competence and restraint; and acting in good faith for the public interest. They are supposed to understand the society's needs. However from the empirical evidence on the record, it emerged that the legislators were unable to reconcile their roles as legislators with their role as members of the political executive or their roles as government executive with that of party workers. The slogans raising by political leaders and religious leaders as well as the *Karsevaks* sounded more like war cries and whipped up the crowds into a religious frenzy.

82.2. The leaders of the movement used provocative language and innuendoes in their speeches. The language and tone of the speeches and slogans was not only provocative but amounted to urging on the *Karsevaks* to demolition. I can safely venture to observe that the religious, or quasi religious, feelings of the *Karsevaks* were fully nurtured and allowed to turn violent. The hatred against a particular community was fully imbibed amongst the *Karsevaks* and this feeling was sustained and encouraged by the leaders, media and by all other means of communication, for all these years.

82.3. This active provocation and instigation was done initially by word of mouth and then through the mass media – there were no holds barred. The *agents provocateurs* were indistinguishable from the government officials and worked towards their party goals utilizing the government machinery and their own

resources. Resultantly, the *Karsevaks* present were more committed to religious faith than to the rule of law or the constitution.

- 82.4. A leadership must step forth with much more responsibility to put a lid on the mischievous element in the society bent upon exploiting the factors referred to above, for their individual aggrandizement through repression, misguidance, acquiring power through mass means and improper reliance on philosophies such as *Hindutva*, Mandal, *Son of Soil*, etc.
- 82.5. An artificially created mistrust between the Hindus and the Muslim led to the partition of the country in 1947. This groomed further distrust amongst the believers in law, rule of law, governance by constitution, security of fundamental rights, distrust amongst minorities etc. The caste based politics, criminality in politics and the influence of money in politics is being actively encouraged even now. As a natural corollary the belief developed in a quite a large section of society that the problems of India were basically the problems of the Hindus and this was ingrained as the basic thought.
- 82.6. The Constitution does not envisage any such situation, of course. The Hindu leadership which believes that India can be managed through means of religion, castes etc. are not relevant in the era of globalization and scientific development of humanity and the means of communication. It is undeniable that secularism is essential for maintaining the integrity and unity of the country. Unfortunately, religion is drilled into the common man, so that by the time he is an adult, he is already wearing blinkers and shunning awareness.

82.7. A campaign of hatred was organized with various objectives inducing paranoia in the psyche of the common man. With objectives like the acquisition of power, employment, office, upper hand in society for recognition and self importance, the campaign drew inferences from the government's failure to ameliorate religious sentiments, projected threats to religion, and convinced the people that they were victims of religious oppression. They further propagated the belief that the police, administration and the political executive were working in unison and supporting each other. It provided inertia to bureaucrats to grab political system from the leaders. This process of grabbing political system provides opportunities for generating riotous conduct, as it happened on the 6th of December 1992.

83. The wedge between the Hindus and the Muslims

- 83.1. It is widely accepted that by the mid-1940s, the bifurcation of the country was a foregone conclusion. The people had no illusions left over the matter and had slowly come to accept the two nation theory. Despite the best efforts of some well intentioned leaders, the bitterness between the Hindu and the Muslim communities had escalated steadily.
- 83.2. The 1950 Indian Constitution was therefore given to the society and it was hoped that it would serve as the beacon light for good governance. It was never envisaged that the successive leaderships would not be able to forestall caste or religion based politics. The least that was expected from the future leaderships was that they would not encourage politics based on these divisive criteria of caste, religion, and regionalism. The constitution optimistically emphasized the protection of the weaker section of the society and freedom of religion which had come at the price of parting with the territory to Pakistan upon partition.
- 83.3. The electoral system however made itself available to manipulation. Groups with vested religious interests got an opportunity to mobilize other caste groups representing larger numbers of people. It was the sheer numerical majority which culminated in the events of the 6th of December 1992.
- 83.4. The terror and terrorists exported by neighbouring countries to India provided an excellent opportunity and reason for spreading rhetorical and

communal propaganda and encouraging the historical religious cleavage, using it as a tool for promoting the RSS school of thought. Specific reference can be made to the vulgar language used by Vinay Katiyar with respect to the incidents of mid-1960s at the Hazratbal shrine as rhetoric for propagating hate and hyping the frenzy among Hindus. He stated that *“the courts have accepted the disputed site to be the birthplace of lord Ram. The only people who are not accepting it to be the birthplace of Lord Ram are those who have their eye on the votebank. These politicians are unable to see this vast birthplace but when a single tiny hair of Prophet Mohammad went missing, they were able to identify the hair as that of the Prophet. After all, what is the difference between that one hair and any other hair? Yet the Muslim scholars and writers from within and outside India are unable to see the birthplace of Lord Ram, even though it has been proved – and that makes me very sad.”*

84. The post independence circumstances

- 84.1. Despite the bitter experiences of the partition and the background against which it happened, nothing happened from 1947 to the 22nd of December 1949 when the bitterness between the two communities resurfaced due to other factors referred to in this report and led to the installation of idols in the disputed structure in December of 1949.
- 84.2. The evidence available with the Commission clearly show that even after the installation of the idols by force, neither the bureaucratic or legislative nor the executive officers, nor the political executive on the spot desired the removal of the idols installed in 1949. Those in power at the time asserted that the removal of idols posed a threat to peace and this assertion continued to be propagated till later on as well. The deceptiveness or the authenticity of this assumption can be judged and assessed from the facts revealed later in time.
- 84.3. In any case, there was nothing untoward that happened at the site for the next three decades- the site did not even warrant the deployment of more than a few constables. In fact till 1986, less than ten constables were deployed at the disputed structure. Of course on religious festivals, a slightly larger police presence to regulate the traffic and the devotees' entry was utilized.
- 84.4. The falsity of the claim that the removal of the idols would lead to violence is further highlighted by the fact that the District Magistrate contested the elections later. His conduct in the whole episode of 1949 made clear his

hidden agenda and the political executive's inability to foresee the warning signs. The loss of control over the executive by the political executive was writ large and the letters written by KK Nayyar, the District Magistrate to his higher authorities declining to act on their orders, and claiming his right to act independently, showed the patent weakness of the government. The District Magistrate had accepted that the installation of the idols in the mosque was undoubtedly an illegal act and his later conduct put not only the local authority but also the government in an awkward position⁴⁶¹. With the passage of time the political executive not only mastered but masterminded and used the bureaucracy for political ends and for acquiring or retaining power and economically for enriching itself.

- 84.5. The history books produced before the Commission as well as the White Paper issue by the Government of India and the BJP, and also the contentions by various counsels are unanimous that in 1528, the Emperor Babar ordered Mir Baqi, his Commander to erect a mosque at Ayodhya.
- 84.6. The subsequent tumultuous history of the site and the structure has been recorded elsewhere in this report and need not be repeated here.
- 84.7. Cleavage, hostility and division of the Hindus and the Muslims on the basis of religion are historical facts. The movement had the effect of excluding from recollection that which went before the building of the monument for some reason.

⁴⁶¹ See letters CW 8/A, CW 8/B.

85. The growth of the RSS

- 85.1. Around 1948—49, the RSS adopted its constitution and a flag, which was undisputedly supposed to be a flag of Ram Chander who is accepted to be the incarnation of God and an ideal king. Shiva Ji was accepted as the idol and hero of the RSS.
- 85.2. Veer Savarkar was succeeded by Hedgewar, as the leader of the RSS and much later followed by Rajinder Singh, also called Raju Bhaiyya as admitted in the written arguments by the counsel for RSS. The RSS drew the conclusion that the absence of national conscience and a lack of feeling of being an organic limb of national life in individual, results in mutual hatred and discord, jealousy and quarrels for selfish ends which malaise has been eating into the nation and had caused the division of Hindu society into higher and lower castes; a reference was made to the degrading practice of untouchability and it was cited as the root cause of downfall of the nation. RSS mission was therefore, it was said, realizing the national character of Hindu people, to inculcate a burning devotion for Bharat and a national ethos.
- 85.3. M.S. Golwalker succeeded Hedgewar as the RSS chief and during this time, the RSS experienced massive growth which the Congress party perceived to be a political threat. The RSS organization claimed to be engaged in serving fields such as labour, social, political, educational, etc.

- 85.4. The RSS had several organizations which were affiliated to it. Some attempts were made to project them as independent autonomous institutions, but generally it was accepted and believed that they were a constituent part of the RSS. These constituent units addressed themselves to micro level politics, covering all spheres of human activity which influenced the social or political life. For examples *Vidya Bharti*, *Akhil Bharatiya Sahitya Parishad*, *Prayal Bharti Deen Dayal Institute* etc. Between 1977 and 1982, there were 40,000 RSS *Shakas* with a membership of 27,00,000 dedicated *Swayamsevaks*.
- 85.5. The cleavage between Muslims and Hindus on religious basis gave further rise to the popular belief amongst Hindus that the Muslims were a violent people. As a result of this impression, the RSS cadres were trained in the use of *Lathis* and other martial arts ostensibly for self-defence which training inculcated an attitude of militancy and laid the grounds for a kind of civil strife. It generated fear and insecurity not only among the minorities but also those who did not toe the RSS line of thought.
- 85.6. The RSS continued to proselytize its peculiar theories and thoughts asserting them to be relating to nationalism, secularism and cultural nationalism. The RSS's concept of secularism as propagated during the movement bears no resemblance with secularism as understood internationally. The RSS associates were continually preaching that secularism means "sarva dharma sambhav". Similarly, the RSS had its own version of "nationalism" and understood it to mean not geographical or political nationalism but cultural nationalism. The doctrine or idea of *Hindutva* continued to be nurtured during the post independence period.

- 85.7. RSS defined culture as , “[it] does not mean the popular or limited meaning as pertaining to drama, music, dance etc. Even Sanskriti etc, it has to be understood as culture and it is to be understood as expounded by the founder and philosopher of RSS Shri Golwalkar. Culture includes all aspects of society and nation, viz. political, social, economic, customary, morality, language and in general Hindu way of life”.
- 85.8. This Commission need not give any finding on these aspects though these have been noticed as these have emerged from the statements of various witnesses who have testified. The various philosophies and thoughts propounded have been noticed to the extent of their being relevant for the inquiry and for deducing the circumstances leading to the demolition.
- 85.9. Throughout this period the executive abandoned any pretence of a professional approach while the legislators, instead of representing the executive and Constitution, started conniving with the government officials and plans for fulfilling their party goals. Their commitment to the religious faith was solely for the purpose of their election manifesto and this became the guiding light for governance, rather than the constitution or the law.
- 85.10. The RSS proclaims itself to be a cultural body devoted to national upliftment and committed to nationalism and secularism. It denies being a political party and states that its constitution bars active participation of the RSS in politics, which in my opinion is quite contrary to ground realities as evidenced by the actual events; and also as argued by the counsel for RSS in

his written submissions that the organizations serves all the fields such as labour, social, political, education, etc.

85.11. LK Advani accepted that he follows the thoughts and philosophy of the Pt Deen Dayal. In a way those constitute the philosophy of the BJP as well. Pt Deen Dayal was an RSS member who entered the political field on the directions of the RSS. Imbibed with the views and the training of RSS, even as a politician, he was of the view that the activity of a political party is only a means for nation building. He deliberated over various questions including why India was partitioned and opined that the thoughts of the leaders of that time were superficial and inconsistent with the nation's ethos. He declared that "*the notion of territorial nationalism is wrong.*"

85.12. He opined that the people before the partition wrongly believed that whoever was opposed to the British was a patriot, which was not the correct definition of patriotism. While accepting that unity between Hindus and Muslims was experimented with, for the struggle for independence, but this did not succeed. He expressed dissatisfaction with the 1950 Indian Constitution, because he thought that the constitution had a Western perspective and that there was no trace of indigenous thinking in the Constitution of India. He blamed the ideology followed for having been borrowed from elsewhere.

85.13. The RSS ideology of the *Hindu Rashtra* was the basic premise for his works. He believed that in pre-partition era Muslim communalism became more and more aggressive, while the attempts of the leaders for Hindu Muslim unity failed. He came to the conclusion that cultural unity was the basis for

existence as a nation and rejected the notion that a nation was formed by all those people who live within the territorial boundaries. He explained that people living in a common territory are required to form a nation but it is not necessary that all the people living in a territory are its nationals. He came to a conclusion that Hindustan is a nation of Hindus, and Hindutva alone is the basis of nationalism in Bharat. He took over the responsibility of *Bharatiya Jan Sangh*, with the thought of identifying *Bharatiya* with *Hindu*. Hindu way of life was expounded to mean the national way of life.

- 85.14. Deen Dayal Upadhyaya impliedly and by his conduct agreed with MA Jinnah's theory that Hindus and Muslims were two separate nations. Deen Dayal Upadhyaya had stated that "*the problem of India is not inter-caste, it is international. If peace is to reign here, the major communities must be given their own separate chunks of land. It is nothing but mere dream to imagine that Hindus and Muslim can stay together in India as members of composite nationality. The Muslims are not a minority community, they are a nation. They must have their own independent land and their own state.*" It was further preached that we should have completely got rid of the Muslims. This problem of political majority was for all. We should not have allowed the fissiparous tendencies which brought about partition to raise its ugly head again. He opined that the habit of pushing ahead political demands in the name of religion, dealt a severe blow to our national unity in 1947. He laid emphasis on cultural unity. He said, whether it is Christians or Muslims, they must identify themselves with the age-long national cultural streams that were Hindu culture in this country.

- 85.15. He was of the opinion that the Muslims in India came as aggressors and their successors intended to continue in the same capacity; the creation of Pakistan was clearly a political aggression on Indian territory. He further opined that the political aspirations and the religious intolerance of Muslims had not undergone any change⁴⁶².
- 85.16. It was openly asserted and commonly accepted that the pre-partition *Jan Sangh* was the political wing of RSS. The *Jan Sangh* later was renamed the Bharatiya Janta Party (BJP). Though some of the leaders have tried to claim that the BJP and RSS are independent organizations, in another part of this report, the Commission has dealt with the question and concluded that they are functionally, if not legally, intertwined and inseparable. The admission by Pt. Deen Dayal Upadhyaya in no uncertain terms in his books that he was deputed by the RSS to organize the *Bharatiya Jan Sangh* is a clear indicator of this relationship. Even on date, the RSS office bearers *Swayam Sevaks* are deputed by RSS to carry out the work of BJP; the top echelon of the BJP leadership is predominantly from the RSS and they are guided by its thoughts and philosophy in governance. The RSS has considerable influence on the leadership not only of BJP but also on the other allied organizations participating in the temple construction movement or which have Hinduism as their objective. Using its sweeping influence over the organizers and the institutions participating, the RSS controlled every aspect of the Ayodhya movement.

⁴⁶² See "Pandit Deen Dayal Upadhyaya, Ideology and Perception – Part V, Concept of Hindu Rashtra"

85.17. Despite the attempts made to distance the RSS or BJP from the movement by attributing the movement to the VHP or the *Dharam Sansad* etc. I have concluded that all these other members of the *Sangh Parivar* are merely frontal organizations of RSS deputed to working in different fields. There was no illusion in the minds of the common man that the RSS or the VHP etc. were either different or distant from the BJP or that their objectives were not identical.

86. The changing nature of the polity

86.1. With passage of time confrontation between cultural based secularism and politics arose. Constitutional secularism was given the name of Western Secularism. Religious secularism started taking root over the national secularism as understood by a common man from the constitution of India. The participation of religion in public sphere, politics etc. in the multicultural, multi religious, multi racial, multi regional, multi linguistic society was ignited. Religion started getting mixed with politics, which is the easy way to acquire power. Some theorists or leading politicians felt that socialism or secularism had failed. People at large lost respect for the politicians who, because of their political compulsions found ways and means to twist, break and change with the changing expediencies to acquire power or remain in power. It cannot be denied that religious or caste fanatics or propagandists are violent and ferocious in the name of religion or caste. Blind faith in particular religion does give impetus to caste system thereby taking the nation back into the tribal era or stone age.

86.2. Overcoming all hurdles of inefficiency, incompetence, secretiveness etc., and the temple construction movement was brought to the national scene and out of the shell of a religious movement. The movement got the impetus and came into full swing, on account of factors like human nature, dominating agenda, towering personality and charismatic leader like LK Advani, supported by over-zealous leaders out to achieve power at all cost. A coterie

of individuals without responsibility made successive irresponsible promises to the electorate for the purpose.

87. The temple movement

- 87.1. Acharya Dharminder Dev⁴⁶³ admitted and asserted that the temple movement saw the light of the day with the issue of the *Kashi Vishavnath Mandir* at Varanasi undertaken by *Hindu Mahasabha* in 1959.
- 87.2. In 1967, a non-Congress Government with the support and participation of *Jan Sangh*, predecessor of BJP, came in power in the State of UP. Still there was not even a reference to movement or claim put forth to the disputed structure. Later around 1983, Rajendra Singh (Raju Bhaiyya), Dau Dayal Khanna and Gulzari Lal Nanda for the first time raised a question with respect to the disputed structure.
- 87.3. Neither the Muslims nor the Hindus had thus far staked any claim to the structure and no theories suggesting that the disputed structure was a “signpost of slavery” necessitating its removal had been advanced.
- 87.4. Even though the dispute at Kashi and Mathura had been raised for some time prior to 1983, the construction of a temple at Ayodhya had not gotten any attention from the masses beyond the immediate vicinity.
- 87.5. Much later, the public was sought to be “awakened” to the Ayodhya issue by way of the *Rath Yatras* undertaken under various names by the leadership.

⁴⁶³ CW10

- 87.6. A conscious effort was made before the Commission to assert that LK Advani used much restraint in his speeches during his *Rath Yatra* and avoided making any reference to Muslims. LK Advani claimed that he was asked, requested and later threatened to halt his *yatra*. He felt confident that the whole nation was behind him in his *Ram Rath Yatra* and challenged the administration to arrest the entire nation if it wanted to stop the *yatra*. There is no gainsaying that the *Ram Rath Yatra* emotively charged the atmosphere and hyped up the emotions of the Hindus and believers of Ram.
- 87.7. Advani admitted that the “*Rath Yatra was received by public with religious gusto and reverence*” The simple people who cheered the *yatra* took it in fact, as a divine chariot and the *yatra* itself as a religious event. LK Advani himself stated that efforts had to be made to explain to the people that this *Rath* had nothing to do with the religion, as it was a mechanically propelled truck. Be that as it may, the *Rath Yatra* intentionally or otherwise, was received as a symbol of the religion. During the course of *Rath Yatra* the local leadership made highly emotive speeches. Those pro-construction and those opposing construction exploited the issue for their own end.
- 87.8. The effect and impact of the various marches or *Yatras* cannot be underestimated in their contribution to generating an environment conducive to the final outcome, not only in Ayodhya but also in the state of UP and the rest of the country.
- 87.9. From a conspectus of the statements of Ramchander Paramhans, Shakshi Ji Maharaj, Acharya Giriraj Kishore, Ashok Singhal, KS Sudarshan and other

leaders who appeared before me, the following can be discerned. The leadership of the movement perceived that the movement could not succeed without joining in Hindu national parties. The RSS jumped into the fray, and assured its support to the rambling movement. It passed various resolutions from time to time during the course of movement. It started supporting the movement from inside as well as from the outside, be it a *Rath Yatra* or mobilization of the *Karsevaks*. Not only were the cadre of RSS, but also Hindus across the world exhorted to participate in *Rath Yatras* taken out for mobilization or the *Karseva* to be carried out from time to time.

87.10. The various organizations collectively referred to as the *Sangh Parivar* and the BJP were floated by persons who are, or were an integral part of the RSS at some point of time or other. These people had joined various streams of life and taken up local issues but the RSS continued to exercise control over them. They were not only advised on various issues from time to time but also expected to actively participate in the issues raised or any movement carried out by the RSS. At the cost of repetition it can be reasonably said that RSS was and is *patria protecta* for almost all the parties who have either *Hindutva* or Hinduism directly or indirectly its major plank or premises of its working.

87.11. The leadership of movement was substantially in the hands of VHP, RSS and BJP though some *Sadhus* and *Sants* like Paramhans Ramchander Dass etc. proclaimed themselves to be the leader of the movement. It cannot be lost sight of, however that they too were members of VHP or its constituent bodies.

- 87.12. In 1984, in order to strengthen its hold, the *Dharam Sansad* was projected to be the nodal organization with respect to the issue of the disputed structure even though the VHP's agenda issued used to be approved and endorsed by *Dharam Sansad*. It was VHP which used to decide the invitees for meetings, the agenda etc. as well as the outcome or the decision it required from the meetings.
- 87.13. It is in the course of movement for the "liberation" of the disputed structure, that in June 1984 the *Ram Janam Bhoomi Mukti Yajna Samiti* or *Dharam Sthan Mukti Yajna Samiti* were constituted in the *Digamber Akhara*, with Aavidyanath as the President, Nritya Gopal Dass, Paramhans Ramchander Dass its Vice-Presidents and Dau Dayal Khanna as convenor and General Secretary. Other personalities like Onkar Bhave, Mahesh Narain Singh and Dinesh Tyagi became office bearer of the association. In September 1984 a decision to launch the movement with an oath (Sankalp) to protect Hinduism, liberation of disputed structure, opening of locks was taken. It was decided by one of the constituted bodies of VHP known as *Ram Janam Bhoomi* Action Committee to launch the Tala Kholo movement.
- 87.14. A *Virat Hindu Samelan* was held on 18th of October 1984. It was decided to give a memorandum to the Chief Minister. In continuity or along with *Ram Janki Rath Yatra* and holding of sammellans various *Rath Yatra's* were taken out all over the country, especially in UP to demand the "liberation" of disputed structure.

- 87.15. At the bottom of the movement it was acquisition of the political power, while leaving behind the required governance in conformity with the principles enshrined in the Constitution.
- 87.16. *Bajrang Dal* – a youth wing of VHP, with one of the object of construction of temple, was constituted under the Presidentship of Vinay Katiyar, with the blessings of Paramhans Ramchander Dass, in the premises of Digamber Akhara.
- 87.17. *Bajrang Dal* was proclaimed by the leaders of VHP and accepted as such by the general public as the youth wing of VHP. It hoisted a flag on the *Shilanyas* rectangle⁴⁶⁴. Vinay Katiyar who has consistently made self-contradictory statements before the Commission made the solitary attempt to portray the *Bajrang Dal* as an independent body, which cannot be believed.
- 87.18. The *Ram Janki Rath Yatra* which had been suspended was resumed. Support from other Hindu minded parties was sought for the movement by VHP, RSS and Paramhans Ramchander Dass. The *Bajrang Dal* held a *bandh* in support of their demand for opening of the locks at Ayodhya. Paramhans Ramchander Dass threatened self-immolation.
- 87.19. The order of the 8th of March 1986 of District Judge Umesh Chander Pandey on an application by a stranger to the pending litigation, and who had no known background of either being a public spirited person or a leader of any standing, nor who was a party in the appeal against the order declining

⁴⁶⁴ See the statements of Mahant Paramhans Ram Chander Dass, Acharya Giriraj Kishore, V.H. Dalmia, and Ashok Singhal etc.

the preponement of the date, ordered the opening of the locks and this was projected as a sign of victory by the campaigners⁴⁶⁵.

87.20. The opening of locks spurred into creation the *All India Babri Masjid Action Committee*. This Committee took a decision to observe a black day to protest the opening of the locks. The protagonists of the temple movement however declared that they would raise cadre of sacrificial group.

87.21. The leaders on either side of the issue mobilized public support for their respective causes and conducted several activities for the purpose.

87.22. The Hindus and the Muslims got embroiled in heated and acrimonious debates on the question of the disputed structure and the protection of rights of either community. Radical religion-centric politics was injected into government and the bureaucracy. A herculean constitutional struggle with religion bigotry faced the nation without any leader to come forward to lead the nation out of the communal mess.

87.23. The warning signals that the cultural fibre of the nation was in danger went unheeded in the state political, bureaucratic and legislative executives.

87.24. There is no gainsaying that the political parties, in order to acquire power, give tickets and contest elections on the basis of caste, creed, religion and other extraneous considerations. There is no effective check or counter balance provided for the same either by the Constitution or the laws made

⁴⁶⁵ See the statement of BP Singhal (CW5)

thereunder, in spite of the fact that secularism is considered a basic and fundamental fibre of the Constitution.

- 87.25. The whole temple movement was a political device employed mostly for acquiring political power. This is possibly normal human conduct that a political party seeks to increase their influence by means of catchy plans and populist programmes.
- 87.26. The country has more than its share of the priest ridden, ignorant, illiterate and underdeveloped people who are unable to face up to the fast blowing winds of change. The rapid advancements in the means of communication played a prominent role in helping the spread of the temple movement within the Hindus and provided an opportunity to the other camp to similarly rouse the emotions of Muslims.
- 87.27. The communal situation deteriorated greatly and tensions between the two communities escalated to dangerous levels. The cleavage between them may not be obliterated completely, but it is always capable of being diluted. The vested political interests did not however allow it to be minimized. They aggravated the situation and worsened the relations between the communities as and when they required, or as and when the situation demanded it.
- 87.28. In multiple meetings, the Home Minister of India tried to defuse the tension and invited all concerned for negotiation in July 1988. In the meeting held on the 17th of August 1988 by the *Babri Masjid Movement Coordination Committee*, it was demanded that the idols should be taken out of the mosque; it was stated that a negotiated settlement was not possible because of

the hard stance adopted by the Hindu leaders. There were some audible demands calling for the constitution of bench in the Court consisting of judges who neither belonged to the Hindu nor the Muslim communities. It may be noted all these demands started showing up only once the communal elements had discovered the political potential of this issue.

87.29. The protagonists of the pro-construction movement publicly asserted that there was neither a question of any negotiation on Ayodhya nor could the problem be solved through a judicial process since it related to the centuries old faith of Hindus; the courts could not decide religious or political matters as that would be in conflict with the mandate of the people to build the temple.

87.30. It was being openly proclaimed that the orders or decisions of the Supreme Court would not bind the *Karsevaks* or their leaders. The orders of *Sadhu* and *Sants* only would have binding force on them and would be followed despite whatever the courts might say. Even the undertaking given by the government or the VHP representatives to protect the disputed structure and maintaining status quo with respect to construction was challenged by persons like Ashok Singhal, the forerunner of the movement.

87.31. By the 31st of July 1992, Ashok Singhal, Paramhans Ramchander Das, HV Sheshadhari, KS Sudarshan and other leaders of the Sangh Parivar, Sadhus and Sants, karsevaks, Shiv Sainiks and their leaders had, in the context of earlier declarations had a defiant attitude towards the court orders. They publically declared that a constitutional or juridical solution provided by the

courts would not necessarily mean that it would be accepted by them, in preference to the mandate of the people.

87.32. The battle lines had been drawn and definite posturing on the construction issue had begun. Those for the temple had decided to demolish the disputed structure in October / November 1990. The other side had equally resolved to oppose the efforts and to protect the structure.

87.33. Ashok Singhal and leaders under his leadership, entered into a written agreement arrived with the Government for carrying out the *Shilanyas*. The site of *Shilanyas* was proclaimed to be outside the disputed land and was situated at a distance of 162 feet from the idols and 17 ½ feet of the eastern side of the disputed structure towards the southern side. A rectangular platform of 8 feet was built. 3,50,000 *Shilas* (bricks) had reached Ayodhya for construction of the temple. The *Shilanyas* was claimed to be for the construction of the temple. After the *Shilanyas*, in view of the impending elections further process or the movement was stopped.

87.34. The Muslim leadership pressed for an early adjudication of the dispute by the courts and at the same time, sought the arrest of the persons making inflammatory, defamatory and provocative speeches.

87.35. The BJP's resolution in June 1989 to actively participate in the construction of the temple was considered to be a historical decision, and spelt out its reasons which included the attribution motives to the Congress's alleged campaign against the BJP and VHP in order to garner Muslim votes. The BJP accused the Congress of defying the judicial determination and historical

facts. It considered that the other political parties were also assaulting and betraying the sentiments of the majority in the country. The conduct of the Congress and other political parties was to appease Muslims under the veneer of secularism.

87.36. The BJP also cited that the structure had not been used as a mosque by the Muslims ever since 1936. The Hindus had been regularly performing Puja therein. Parallels between Ayodhya and the Somnath temple were drawn. Though this resolution was passed in 1989, BJP leaders including Advani and Vajpayee had been supporting the construction movement of temple overtly since 1984 and covertly ever since its inception.

87.37. It is generally understood that an election manifesto issued by a party forms the basis for the people's expectation from it and is the parties' promise to the people, made before the elections. The BJP in the state of UP had stated in their election manifesto stated that they would fulfil the commitment of constructing the temple. Kalyan Singh expressed his inability to enforce the courts' order to the contrary. LK Advani and Atal Bihari Vajpayee requested PV Narasimha Rao to intervene as it was difficult for them to placate the religious leaders. They gave the Prime Ministers the names of the influential religious leaders who alone could help⁴⁶⁶.

87.38. The High Court of Allahabad ordered *status quo* with respect to *Shilanyas* site as well as the disputed structure. Since the High Court and the Supreme Court declined to interfere in the *Shila Pujan* programme, the *Shilanyas* was

⁴⁶⁶ See the statement of PV Narasimha Rao

not stopped and it was left open to the State Government to decide whether the proposed site of the *Shila Pujan* and *Shilanyas* was within the disputed site or not. The Supreme Court affirmed this order while observing that conducting religious processions is a fundamental right.

87.39. The fact that Ashok Singhal was a prominent and key VHP leader, irrespective of the formal post he was holding is evidenced from the documentary and oral evidence lead before the Commission, as well as Singhal's own statement. Most of the time Singhal was the one who used to negotiate with the government authorities, administration, opposite claimants etc. He used to hold the meeting of *Sadhus* and *Sants* and settled their agenda and executed their decisions. He claimed to be limiting himself to executing the directives of the *Sadhus* and *Sants*, even at the site of disputed structure, while it stands established that he was a prominent part of the decision making process itself. It was he who entered into a written agreement with the government, that the VHP shall give prior intimation to the district authorities about the *Shila* processions and later agreed for the required changing of the procession routes by negotiating with government. He claimed to have ensured that the VHP and its followers did not raise any provocative slogans which may endanger communal harmony as well as the practical modalities and logistics of the entire events.

87.40. All the members of parliament, irrespective of their affiliation, with the exception of BJP's MPs took a decision not to participate in *Shilanyas* programme. Organisers of *Karseva* were requested not to carry out the programme of *Shilanyas*.

87.41. The BJP proclaimed that they had no control over the *Karsevaks* or the movement or the leaders of the movement or the *Sangh Parivar* or RSS as such; however it cannot be denied that almost all the leaders of the BJP, VHP and other organizations in the *Sangh Parivar* used to be, or are current members of the RSS⁴⁶⁷. So much so, that even Atal Bihari Vajpayee, even whilst he was the Prime Minister, proclaimed that he is first a swayamsevak and thereafter the Prime Minister. This was widely published in the media and never denied.

87.42. The political leadership of BJP was consciously wielding its power and influence upon *Sants* and *Sadhus*, RSS and *vice versa*. Their charismatic hold on religious-minded Hindus was actively used during the elections, latently or patently. The Hindus as a community were projected the sufferers of a policy of appeasing the Muslims as a vote bank policy.

⁴⁶⁷ See statements of KS Sudershan, Acharya Giriraj Kishore, Ashok Singhal etc.

88. The police and the civil administration

- 88.1. The process of governance and the running of the government were getting complex and there was a tussle for control, information and statistics etc. This was directly having an effect on the public and it became impossible to demarcate and define the operational and political areas of influence. Political control of public services was and remains a fast growing phenomenon in government, obliterating whatever thin line of demarcation there was.
- 88.2. The administration allowed the situation to worsen with their passive or active support. The decision making process drifted without any firm guidance and no effective decision to respond to a developing situation was taken despite alerts by the media and various other agencies. The rumours and the situation were repeatedly put before the courts. Any experienced administration worth its name, with a little foresight could have envisaged what resulted.
- 88.3. The bureaucracy and the civil servants had in reality surrendered themselves to the political executives, who had no intention, experience, expertise or capability of planning at the spot. The bureaucrats, without naming them at this place, betrayed public well being and failed to uphold the rule of law. Elsewhere in this report, it has already been held that the administration did not exist at all at the spot or else was drifting at all levels of governance, having been politicised.

88.4. There was a complete lack of interaction of the police and the administration with the public. Their interaction was only with the local leadership, their own intelligence and sources of information, apart from the organisers, leadership. They were required to maintain contacts with all groups in all communities, their official bodies and representatives and had the duty to ask the organisers to explain their programmes and explain police arrangements to them – they failed in this. For lack of this interaction, the police were unable to form an independent informed judgment essential for the police officer. There was a complete collapse of liaison and consultation between the police, public and organisers of the movement. The police was totally oblivious to the necessity of adjusting policing and keeping in view the multi-religious and multi-cultural society of the country. Resultantly, the amassed mobs had no doubt that the police had been muzzled and was going to remain as an inactive bystander.

88.5. There is not an iota of evidence before this Commission that there was any thought-out policing policy in place. Police authorities as well as the administration exhibited child-like simplicity in their assumptions and especially in their hope that the *Karsevaks* would be confined to symbolic *Karseva*. They had no influence or control over the local leadership or the people coming from all over the country. The Police itself lent credibility to the perception of the crowd that the police was supporting them in their object of *Karseva* for construction of temple. There was no surveillance or identification of areas to be checked for undesirable elements, there were no preventive measures, the officers present and in command were

unimaginative, ineffective with their own prejudice regarding the construction of temple and oblivious to their constitutional duties for whatever considerations. They were not conscious of the gravity and intensity of the situation, of the numbers of public coming from outside. At the same time, the media was acutely conscious and constantly reporting about the intensity of frenzied crowd going berserk, though they were conscious of the repercussion of it at national and international level.

89. The nature of the movement

- 89.1. The whole movement was dominated by the BJP, RSS and the Shiv Sena which led to polarisation between Hindus and Muslims. The leadership, administration, political parties, government and *Sadhus* and *Sants* projected the dispute to be a fight between the two communities; fanaticism and communalism was directed against each other.
- 89.2. It had all the making of a political campaign with charismatic leaders like LK Advani, MM Joshi, AB Vajpayee leading it. The movement had a concealed political object and was triggered keeping the upcoming elections in view in order to unite the Hindus. At the given point of time Ayodhya was considered to be the most appropriate place for garnering votes of one or the other section of the society. The leaders of the movement were in control of the political parties either expressly or otherwise by exercising their influence on them. They were in turn controlled and guided by the RSS though it used to be denied formally.
- 89.3. The media too was divided between the camps. Their reporting was not independent of bias either.

90. The *Karsevaks*

- 90.1. At this stage it would be expedient to note that there were three types of persons present at Ayodhya at the time. The first were the *Karsevaks*, the second were pilgrims and then there were tourists and onlookers.
- 90.2. The persons sympathetic towards the movement later called *Karsevaks* used to converge on Ayodhya, whenever a call was given for *Karseva* or any other event connected with the temple construction movement.
- 90.3. Pilgrims converged on Ayodhya only on festival days. For them, Ram was the iconic God of their religion. Usually in common parlance these pilgrims were referred as Hindus. The majority of the pilgrims and the tourists did not associate with the *Karsevaks*.
- 90.4. The *Karsevaks* were a mixed group of people consisting of those in possession of skills required for demolition or construction etc., along with youth simply desirous of publicity and media attention.
- 90.5. The *karsevaks* were persuaded and mobilized by the icons and leaders of the movement or the religious leaders or the local leaders leading the *karsevaks* interested in appeasing the political personalities or the RSS.

91. The people at the helm of affairs

- 91.1. It became apparent during the course of this inquiry that the individuals at the helm of affairs cared least for democratic standards while adopting and propounding a populist cause for coming to power and to dominate the politics of the one of the world's largest democracies.
- 91.2. There were no scruples on display nor self-restraint nor respect for the Constitution. They were insensitive to the theories, philosophies, and institutions of governance and were out to debase them and subvert federalism.
- 91.3. Kalyan Singh, the then Chief Minister repeatedly refused to utilise the services of paramilitary forces till after the demolition was complete. He had full knowledge of the events and their implications, as they unfolded, and his reluctance to take any substantive action, for that reason is inexplicable.
- 91.4. Kalyan Singh was conscious of the state administration's unwillingness, incapacity and inability to handle the Ayodhya issue, particularly when in July 1992, it had failed to secure the implementation of the Supreme Court's order. It was not alone in the failure; even the leaders of the movement and the other protagonists of the temple issue had ostensibly given up on Ayodhya issue and requested the Prime Minister Narasimha Rao, to intervene and persuade the leaders of *Karsevaks*, *Sants* and *Sadhus*. Undaunted, or perhaps with this very specific intention, Kalyan Singh still

went about blowing the trumpet of federalism and the state's capacity and preparedness to deal with the situation in December 1992, without the help of Central Government or the paramilitary forces.

91.5. The District Magistrate, Senior Superintendent of Police Faizabad and the Home Secretary of UP categorically admitted that all decision used to be taken solely by the Chief Minister or his political executive and aides and advisors, with respect to Ayodhya.

91.6. By his passive and active conduct, the Chief Minister forced the administration to drift into ineffectiveness. It was obvious and is an admitted fact before the Commission that no contingency plan was made even though any person of ordinary prudence could foresee what was likely to happen when a frenzied emotional crowd was allowed to gather near the disputed structure.

91.7. The Chief Minister actively created and allowed to be created, divisive lines on communal basis between the two communities. It can be reasonably concluded from his consistent conduct and claims, that he had fulfilled his promise to the electorate made in his party's manifesto.

91.8. The Chief Minister intended to keep all administrative power concentrated in his own hands. It gets further corroboration by his act of politicisation of administration with the intention to utilise their services at convenient times for votes for his party. Appointment and transfer of persons having a similar mindset as his political party on the sensitive posts like SSP Faizabad despite the advice of the then DGP is a clear sign. The *post facto* denials by the SSP

Faizabad of established facts are of no consequences. His post demolition conduct and his statement before this Commission is sufficient to show his beliefs in the ideology and philosophies of the political party then governing, as well as his interest in the demolition of the structure. He later contested elections on the BJP tickets for parliament and admitted his opinion about demolition as well as his reaction to it; he called the “solution” as being consistent with the views of the *Sangh Parivar*.

- 91.9. The conduct of the political executive speaks volumes about its meddling with religion wearing various veils, or their meddling with factionalism in government, or governing in terms of their own manifestos rather than providing governance in accordance with the Constitution.
- 91.10. Diehards from all communities, government servants and the administration took one or the other particular line, either in favour or against the structure and the construction of the temple, resulted in loss of faith about the impartiality of political parties, leaders, impartiality in administration.
- 91.11. Emotive speeches and mobilisation by the respected leaders not only took over the psyche of the common man; these leaders also clearly demarcated the battle. There was no other way for the common man to access the true state of affairs or information about the temple construction movement or to the issues raised. Even the lower rung leaders formed their opinion from the material or facts published in the media. They made vociferous statements without any knowledge about the actual controversy or facts or even the relief sought from time to time from courts.

91.12. The leaders were obviously blinkered and blinded by their own commercial and political interests. The media was used to pass on this blissfully ignorant status to the common people and even the administration was affected by these ideas; they too started exercising power subjectively for the appeasement of the political executive.

92. The adherence to the manifesto

- 92.1. There was a conscious assumption in the political executive, political workers, religious leaders and their followers that on the success of their party or group at the polls, the government would make good on the promises it had made during the election campaign. As a necessary corollary the requirement of the governance of country in accordance with the constitution was discarded or placed on the backburner.
- 92.2. The analysis of the evidence leads this Commission to the conclusion that the leadership from either side had lost the broader approach to issues, and was instead thinking in terms of “the cause” and “the community” etc.
- 92.3. I can’t help observing that even a well read person like Shahabuddin, with rich experience of the Foreign Service, was thinking only in terms of his community when he observed that there was a Pandora’s Box of problems according to his perception. Preaching of such a philosophy or thought provokes emotional sentiments even on non-issues, apart from denuding the society of its pacific existence and instead creates a society with deep fissures, resulting in its degeneration.
- 92.4. An inadequate and imbalanced education system, lacking in discipline failed to inculcate sufficient qualities of secularism and tolerance. The lack of interaction among inter-religious communities, absence of understanding by the teachers of cultural backgrounds of religious minorities, lack of providing

educational infrastructure for multi-racial and religious institutions, providing protection to religious institutions where fundamentalism is preached in the name of religion, are some of the circumstances which generated an environment conducive for the demolition.

92.5. There are other circumstances too which cannot be lost sight of. There is a growing trend in the government service for joining politics either themselves or by their spouses or through their children. Politics is becoming a glamorous and a lucrative profession for not only earning livelihood but wielding power as a profession.

92.6. Politics has come to be perceived as a profession where riches are available without there being any age of retirement or the number of years fixed to hold office. This provides not only a strong motivation for joining politics but poses an irresistible temptation to ultimately go into politics, regardless of the office one may have served and wherein total independence from all desires and greed is required.

93. The exploitation of religion

- 93.1. Restrictive meanings had and have been given to the secularism imbibed in the Constitution. There can be no quarrel with the meaning of “Hindu” affirmed by the Supreme Court, that Hinduism is not a religion but a way of life.
- 93.2. Referring to belonging to one religion, the word got corrupted with the passage of time and in the totality of facts circumstances and evidence, or the intentions of the gathered leaders of the movement, the word *Hindu* cannot be understood in any manner except as a religion and not having any philosophical or intellectual meaning attached.
- 93.3. Be that as it may, and *de hors* the philosophers, thinkers, leaders etc., in common parlance and in the mind of the common man, the word refers to the religion. If “Muslim” can refer to a religion, “Hindu” is treated to be a common descriptor for the other prominent religion, irrespective of the subdivisions or sub sects therein.
- 93.4. Religion ought not to, and does not promote or generate negative emotions in the people. However, its abuse by the leaders of the time deprived the masses of their power to think or behave rationally. Religion was exploited by the *Sants* and *Sadhus* for a particular political party through speeches made during *Dharam Sansad* meetings at Prayag and at Delhi⁴⁶⁸. The factum of

⁴⁶⁸ See annexures to the report for some of these speeches

these speeches was never seriously disputed before this Commission. It can be seen from the preponderance of the evidence that the political parties like BJP and Shiv Sena supporting the construction movement were seeking to influence the electorates for success at elections and acquire political power for governance. The support of a political party in the manifesto for a construction of a temple cannot be termed as neutrality of State. It emerged on consideration of evidence that all the emphasis and attempts were made to govern the State in terms of the election manifesto, particularly with the object of construction of temple.

- 93.5. The Supreme Court noticed the participation of the State Government's ministers and their encouragement of the *Karsevaks* and called it a failure of the Government in acting in accordance with the Constitution and termed it a breach of secularism. The mobilising of *Karsevaks* by the political parties for the construction of temple was a formal acceptance of the fact that religion had become a part of political governance. The observations were made in the context of legislative assembly being dissolved on the ground of violation of the secular features of the Constitution, by participating in *Karseva* which is a religious act. It was observed that espousing a cause for the construction of temple in pith and substance amounted to a particular religion coming to power, and announcing itself the official religion⁴⁶⁹. It was further observed that *Karsevaks* having gathered in response to the appeal by VHP, BJP, Shiv Sena and other organisations etc, it amounted to the political parties' leadership's overt and covert support to religious

⁴⁶⁹ See the judgment in *SR Bommai's case*

organisations. The states governed by the BJP or the Shiv Sena actively participated, with the state resources at their disposal, in mobilizing the people for karseva for the temple construction and thereby sending them to Ayodhya for the fateful day.

93.6. The temple construction movement was approved and supported by the religious leaders which gave moral authority to the *Karsevaks*. Religious leaders preached the righteousness of the BJP government's support for the cause. The religious leaders aspired for political power, preaching the governance in accordance with the particular religion and not the Constitution⁴⁷⁰.

93.7. The leaders of the movement, religious or social were perceived to be fanatic Hindus. This perception was formed over decades by the various thoughts and philosophies preached by them prior and after the partition. After independence the concept of *Hindutva* used to be justified by keeping the wounds of partition alive, by attributing the cause of partition to the Muslims alone⁴⁷¹. Unfortunately, national leaders, *Sants*, philosophers, religious leaders and social workers despite their grandiose statements of building a casteless nation and society, failed in spite of innumerable sects having come into being claiming to be the casteless sects.

⁴⁷⁰ See the statement Acharya Giri Raj Kishore and Mahant Avaidya Nath.

⁴⁷¹ Refer to the writings of Deen Dayal and his philosophy.

94. The failure of the BJP as a responsible political party

- 94.1. The party in power in the state, the BJP participated in the construction movement and completely failed to live up to its promise of conducting a purely symbolic *Karseva*. It failed to carry along with it not only its own splinter fractious mess, but the competing groups within the *Sangh Parivar*. It failed in effectively controlling the *Sadhus* and *Sants*, *Karsevaks* or group of *Karsevaks* led by their local leaders. They could not even sober down the emotive speeches delivered from time to time at Ram Katha Kunj or in streets of Ayodhya and all over the country.
- 94.2. It is obvious that the promises held out by the BJP were completely false and made with the sole intention of misleading the Central Government and the entire country. The promises were made to secure the inaction of the Central Government and to induce it into a state of over optimistic slumber. The only other explanation possible is that the BJP itself was an ineffective and inconsequential part of the larger picture. It neither had the means, nor the authority, nor even the influence within the *Sangh Parivar* to alter the course ordained. If accepted this would further strengthen the impression that the BJP was a frontal organization and the convenient false face projected to address the more moderate sections within society and the government.
- 94.3. An examination of the evidence lead also shows that quite a number of leaders and parties wanted the issue of Ayodhya to be kept alive in order to reach out to the religious minded Hindus and to instil fear within the

Muslim community and seculars even if they were Hindus belonging to a different opposing sect. The dual objective was to win the Hindu votes by playing on their religious devotion towards lord Ram and to secure Muslim votes by offering the hope that post-election, they would bring about greater security for them.

94.4. The leaders used fiery words and made speeches provoking the *Karsevaks*. It was in February 1990, that four months time was given to VP Singh, the then Prime Minister to sort out the issue. Despite this future deadline, the VHP organised a meeting of *Sadhus* and *Sants*, projecting it to be a meeting by *Dharam Sansad* in April 1990 at the Boat Club in Delhi in order to chalk out the programme for construction of temple. This was attended by political and religious leaders on the invitation of VHP and others. The conduct of the meeting was sufficient evidence that it was being held by political leaders under the garb of *Dharam Sansad* and there was not even a semblance of appearance that the said meeting was of *Sadhus* or *Sants*. Articulated, emotive speeches were made with no reins or control over the language by anyone. All other religions were freely branded unpatriotic even while making pointed efforts to spread the notion that adherence to any particular religion was not in itself patriotic.

94.5. Slogans with double meanings were raised in the context and the ambience of the meeting, especially in the presence of religious leader having an aura of religion. Even innuendos were directed at the disputed structure. Slogans like “*Jo Hindu Hit Ki Baat Karega, Wohi Hindustan Par Raj Karega*” may not be objectionable on the face of it, but they conveyed the message favouring

Hindus to rule the country. The nature of the gathering and its purposes cumulatively altered the meaning of slogan, which acquired a distinct shade. This congregation, ostensibly of *Sadhus* and *Sants* cannot be termed anything but mixing of religion with politics.

- 94.6. It was being openly said that the fact of birth of Ram being born at the spot of the disputed structure did not require any proof.
- 94.7. There was secrecy within the political executive about the motives, objectives, mode of achievement of the objective and the persons involved in the enterprise. While on one hand they were continuing negotiations with the Central Government and the parties opposing the claims, simultaneously another section of the leadership was busy in putting into action the real objective of the movement regardless of the means that had to be adopted. It was immaterial for them whether their actions would destabilise the entire nation and usher in complete chaos. They were not even bothered about the complications that were certain to ensue and thus not ready to accept the court's decision on the dispute. The negotiations were clearly a time gaining façade in order to gather the maximum number of people around the thought of Hindus and a political veil for the BJP.
- 94.8. VP Singh issued an ordinance for the acquisition of land on 19th of October 1990 and withdrew it on 20th of October 1990. He later explained before the Commission that this was done to smooth over the negotiations but was withdrawn on objections being raised by all the parties to the dispute.

- 94.9. The BJP government had taken a specific and conscious decision when it came in power in UP in June 1991 that no force would be used against *Karsevaks*. The Chief Minister directed the then DGP Parkash Singh not to use force against the leaders of the movement or the karsevaks. The fact was not only affirmed by his statement and not denied by the Chief Minister but also by his conduct and that of the administration in July 1992. Specifically, when no attempt as required, from the administration or the government was made, to honour or implement the orders of the courts. A façade of getting it implemented from frenzied crowds and leaders by persuasion was resorted to. The Chief Minister had, in writing, restrained all coercive methods or firing on *Karsevaks* for crowd control even if required to control the situation and prevent it from extreme mischief.
- 94.10. The evidence makes it clear that the usual fear psychosis for control of a determined frenzied and belligerent crowd was neutralized and the police had been rendered toothless. The very premises of crowd control stood obliterated and the message was well taken, not only by the common people but by also leaders of the movement that the police were there for the protection of *Karsevaks* and implementing the BJP's election manifesto; and that the government was for the construction of temple.
- 94.11. The State's weapon of exercise of police power against *Karsevaks* stood obliterated. This report deals with this aspect in detail under a separate chapter of Security. Resultantly even the state police was converted into unwitting *Karsevaks* and a *de facto* part of the movement.

95. The 1990 Karseva

- 95.1. The call for *Karseva* for construction of the temple was given by VHP for the 30th of October 1990 from the *Garb Grah* even before the expiry of the period granted to the Prime Minister.
- 95.2. BJP not only declared its unstinted cooperation for the VHP's plan of *Karseva* but issued a warning that if any attempt was made to scuttle the movement it would snowball into a mass movement. A specific warning was issued that in case any hurdle was put in the programme of 30th of October 1990, support by the BJP to the Central Government would be withdrawn, which in any case was done on the 23rd of October 1990.
- 95.3. The Muslim community was not far behind and added to complexity of the situation when a declaration by Syed Abdullah Bukhari was made that not only would the demolition of disputed structure not be allowed, but also Muslim community would not accept any compromise formula which envisaged the installation of idols in the disputed structure.
- 95.4. The State Government, perceiving a danger to the disputed structure and the law and order situation at the hands of the emotionally charged *Karsevaks* decided not to allow the *Karseva* on 30th of October 1990.
- 95.5. By 25th of October security around the disputed structure was tightened and travel to Ayodhya was restricted by declaring it a prohibited state. The *Shilanyas Sthal* was sealed and the later, much ridiculed proclamation by

Mulayam Singh '*Yahan Parinda Bhi Par Nahin Mar Sakta*' was made. The leadership and *Karsevaks* were arrested. Steps were taken by the administration in view of the policy decision of the State Government, the disputed structure was sealed and kept beyond the reach of the *Karsevaks*.

95.6. The organisers of movement anticipating the measures for forestalling their access to the disputed structure, positioned themselves in the surrounding areas much before the announced date. This Commission may notice, without expressing any opinion, the observation of one of the journalists in his book "*Karseva Se Karseva Tak*" that in 1990, the arms of the local police and PAC were withdrawn; trusted people of VP Singh were deployed and with the police personnel supporting the *Karsevaks*, the locks of the gates were opened. The CRPF and BSF refused to fire on the crowds and guns of the *Jawans* were snatched. It was categorically accepted that the command was in the hands of the RSS. I may specifically mention that there is no evidence for the opinion expressed by the writer, nor any finding can be given or has been given thereupon.

95.7. On the appointed day, under the leadership of Ashok Singhal a number of *Karsevaks* sneaked into the disputed structure and succeeded in hoisting a saffron flag which was later claimed by them to be the beginning of the *Karseva*. They however failed to cause any damage to the disputed structure on 30th of October 1990.

95.8. On 1.11.1990 under the leadership of Ashok Singhal, he and his associate leaders decided to carry out the *Karseva* which had been scheduled for the

30th of October 1990 on the 2nd of November 1990. This resulted in the police having to resort to firing to control the mobs and the loss of some lives

96. The elections and the manifesto

- 96.1. All political parties started approaching the issue from the electoral point of view by shedding the veil of its being a purely religious issue by 1990.
- 96.2. The issue of the temple at Ayodhya had become deeply ingrained in the Hindu psyche by 1991 and had acquired serious communal dimensions. The attitude and reaction of the Muslim community only strengthened the impressions and complicated the situation.
- 96.3. The Government itself not only allowed the frenzied crowd to grow but it also collaborated in accomplishing it. The stance adopted by the state administration was no different; they allowed the situation to worsen by their passive and at times, active support. The decision making process drifted to a virtual halt and no effective decision to respond to the crisis situation developing was taken. They claimed to be reacting to the situation, but were ineffective since 1991 despite regular reports by the media about the ground reality. Day to day progress, proposed actions and programmes used to be published by the media or were known to administration through its sources or were open. An able and experienced administration with even the slightest foresight could have predicted the future course of events.
- 96.4. In the process, the constitutional ideal of secularism was dubbed and derogated as “pseudo secularism”. Further a spin was put on the word “Secularism”; that secularism does not limit its meaning to the extent of

tolerance of the other religion but it also means giving respect to those feelings.

- 96.5. The common man was required to follow the skin-deep distinction of tolerating the other religion and of giving it respect.
- 96.6. The leadership failed to reconcile its role as a legislator and that of a party worker and was only able satisfy the voters with the catchy slogans.
- 96.7. There is no denying the fact that the charismatic leaders were kept in the forefront as they provided a smokescreen behind which others could carry out their activities without any suspicion. The undesirable elements worked round the clock to achieve their goals in politics. They used the thought and philosophy or propaganda for sinister purposes, be it from mouth to mouth or through other means of media.

97. The BJP Government

- 97.1. In 1992, the BJP UP Government was ruling inherently in an *ad hoc* manner to widen its field of influence to acquire political power at the national level, irrespective of the letter or the spirit of the Constitution. It was unrestrained by the law or the mandate of the constitution, unburdened by thoughts of public good.
- 97.2. In the process the majority government lost sight of its statutory obligations towards the minority. The ineffaceable fundamental rights of the minorities were given scant regard and joined the other neglected responsibilities of the government in the trashcan.
- 97.3. There was an organised campaign of spreading hatred amongst the Muslims and Hindus. People from either community played a role in this campaign and neither side can be attributed the sole blame for vitiating the pacific relations between the people. The government which was charged with the primary responsibility of detecting and neutralizing attempts to foster trouble not only failed, but was guilty of facilitating them as well.
- 97.4. The State Government by its acts and conduct gave ample reason to the *Karsevaks* and the people to believe that the police, administration, legislative and political executive were all were working in unison and supporting each other for the construction of the temple.

- 97.5. Neither the police nor the administration present at the Sita Rasoi or in the crowd or in the police station, had any means of communication with the leaders or organizers or the local legislators of BJP or parties supporting them.
- 97.6. The *Karsevaks*' actions were the result of the cumulative result of a lack of knowledge, and the self righteous believes and opinion facilitated by their leadership and which obscured their power to discern good from bad.
- 97.7. Apart from the Central Government mollified by the assurances of the BJP Chief Minister Kalyan Singh and his associated, no one, and least of the *Karsevaks* believed that there was to be any symbolic *Karseva*. All pretence at abandoning the actual *Karseva* in favour of a mere symbolic *Karseva* was belied by the actions of the VHP, RSS and BJP leadership which was simultaneously mobilizing the cadres and the people for karseva up till the 6th of December 1992. The believers in aggressive *Karseva*, without being sensitive to the world opinion, were busy in ensuring the achievement of the desired objective of the movement, irrespective of the means adopted or mode chosen.
- 97.8. Unemployment and poverty tends to lower the morale and the spirits of a people. The instigation by the leadership gave the masses the illusion that their pitiable condition was attributable to a communal discord and that it could somehow be resolved by following the agenda of the politicians who had the public approval and blessings of the religious classes.

- 97.9. At the same time, there was also the feeling that a career in politics was the key to success and riches, in a society where knowledge or education accounted for little. The unemployed and disillusioned youth was readily attracted to the movement for the opportunity it provided to catapult them into the political arena, albeit as small time local leaders in the beginning.
- 97.10. The top echelons of the leadership consciously or unconsciously put before the Commission that they were not conscious of, or had knowledge about the sensitivity or zeal of *Karsevaks* and the other participants in the movement, a majority of whom were young people able-bodied persons and of whom few were middle aged persons. It cannot be believed.
- 97.11. The media sensationalized each small issue and contributed to the general feeling of hatred as well. What would normally have been an insignificant incident was escalated into a major ideological or religious challenge. The people of either community were given the distinct impression that they were being victimized and needed to take a stand in order to ensure their very survival. It was through the media that incidents of desecration of religious places, rising of racial tension between the two communities were repeated in one form or another; the effect was an aggressive hard sell of the agenda of either side. The slanted reporting gave the general impression that the police was encouraging the people towards the demolition of the disputed structure. The actors in each incident or episode were feted virtually as heroes.

98. The *Sadhus* and *Sants*

- 98.1. The totality of the evidence lead before the Commission can leave no doubt that the *Sadhus* and *Sants* were consciously, consistently and possibly with their consent, used as a smokescreen. Decisions made by the main proponents of this “movement” were portrayed as having initiated from these religious icons and were then approved and adopted by them merely as a formality.
- 98.2. The *Sadhus* and *Sants* do not appear to have provided any logistical support during any negotiations between the two rival claimants carried out at any point of time and on any forum. Their role was limited to being called in as the purported authors of each new agitation or initiative.
- 98.3. The Prime Minister, at the suggestions of BJP leadership, met with the *Sadhus* and *Sants* who were projected to be the key decision makers in July 1992, but with no concrete results as evidenced by the later events.
- 98.4. Even during the course of arguments before the Commission, no serious attempt was made either by the VHP or by any other party to suggest that there was any significant role of these *Sadhus* and *Sants* or that they were a part of, let alone influential, in the decision making process. Their only real role apparently was to act as rabble rousers with emotional speeches courting the religious sentiment of the people.

- 98.5. The State and the Central Governments were admittedly fully acquainted and equipped with respect to the problem of the disputed structure, yet took no effective steps to avoid or resolve them. The problem was swept under the carpet and taken out as and when it was felt necessary either to use it or to beat the other parties with it.
- 98.6. The common man was quite oblivious to the shrewd manipulations by politicians to use the issue which went out of their hands on the fateful day. He was an unwitting and an unfortunate puppet, manipulated by interests he did not understand.
- 98.7. The leadership was conscious that the microscopically small group of people who could have caught on to the real underlying game would not be able to do so since they did not have the means or information about the composite scenario needed. For the same reason, even if they wanted, they could not make any difference.

99. The failures of December 6th

- 99.1. There was a total absence of control of positive and constructive leadership of any nature on the 6th of December. A conscious decision was taken and allowed to be made public that the teeth had been drawn from the police and the other forces charged with maintain the peace and preventing the very incidents which later occurred.
- 99.2. The common people were either shamed or motivated into turning into *Karsevaks* and participating in the movement from all over the country. They were systematically organized into manageable groups under multiple tiers of leadership. Each tier was given that amount of information which was sufficient for it to carry on its particular assignment and no more.
- 99.3. The small-time leaders were provided every possible facility to enable them to transport the *Karsevaks* under their charge towards Ayodhya. There was a clear understanding that regardless of what machinations might emerge from the political front, regardless of any statements issued by the Central or the State Government, and regardless of any statement even made by the public face of the movement, i.e. the BJP, the mobilization, training and equipping of the cadres was to continue relentlessly.
- 99.4. The decks were cleared for the smooth ingress of the *Swayam Sevaks* in and around Ayodhya well in time. They were highly motivated and efficiently managed by this time and each grouping knew what was expected of them.

- 99.5. There is some evidence to suggest that specialized task forces of demolition experts were created and were afforded the opportunity for a dress rehearsal for the final chapter in the demolition of the disputed structure.
- 99.6. The cadres, secure in the knowledge that they could not be molested, accosted or fired upon by the police had a free hand in their assignment. The frantic calls made by various functionaries to the Chief Minister for calling in the central paramilitary forces were resolutely dismissed by him. Despite the fact that the paramilitary forces had been kept on high alert and the fact conveyed to the Chief Minister, there was a deliberate and perverse decision not to involve them, on palpably frivolous and admittedly fallacious grounds.
- 99.7. Even after the dastardly deed at the disputed site had been done, the paramilitary forces were called in extremely reluctantly by the Chief Minister. The Chief Minister did not even provide the magistrates for this limited deployment order as required by law and as requested by the paramilitary forces.
- 99.8. Whether by accident or by design, the fact that the Magistrates never reached the paramilitary forces to enable them to deploy at all is admitted and well documented in the evidence referred to elsewhere in this report. Even those small detachments of the paramilitary forces which managed to come out with Magisterial escorts met with resistance which they were not allowed to counter. The resistance by *Karsevaks* which in ordinary course would have been overcome by the paramilitary forces with some effort was not allowed to be countered and these forces were ordered back to their barracks.

- 99.9. The entire conduct of the Chief Minister, the state machinery and in particular certain officials in the state police and bureaucracy already identified in other parts of this report were not mere helpless spectators in the events of the 6th of December 1992. They were actively conniving and facilitating these events.
- 99.10. This was not a case where the government and the administration were powerless against the fury of the mobs. This was on the contrary a pitiable and shameful case where the Chief Minister and his associates, within and outside the government, within and outside his party, within and outside the Parivar, actively hindered and obstructed the small pockets of sanity and common sense which might have prevented the demolition of the disputed structures or the ensuing riots.
- 99.11. An enterprise on as large a scale as that witnessed in 1992 in Uttar Pradesh obviously required a great deal of money. The massive mobilisation drive necessitated logistical support on a mega scale as well. The masses converging on Ayodhya and Faizabad needed to be accommodated in tents, had to be fed and provided with the means and resources necessary for their ultimate objective. The presence of the large number of leaders of every level also necessitated arrangements for the arranged and impromptu rallies which were essential to keep the tempers and emotions high.
- 99.12. The monies for all these logistics was channelled to Ayodhya directly from the coffers of the various Sangh Parivar organisations from all over the country, especially from Punjab, Delhi, Patna and Gujrat. It exposed the

canard of the demolition or karseva being dominated or carried out by the karsevaks from Andhra Pradesh. It leaves no doubt that the mobs or the crowds were predominantly from the northern states, or one can say it was prominently from Uttar Pradesh, Punjab and Haryana, Himachal Pradesh, Madhya Pradesh, Rajasthan, Gujrat and Maharashtra as well as from Patna.

- 99.13. In its painstaking investigations, the CBI was able to collect solid evidence of money being transferred from account to account via various banks into accounts of the Sangh front organisations in Uttar Pradesh. The sums of monies transferred were not inconsequential.
- 99.14. The payments from these recipient accounts were made to the local traders and businessmen of Ayodhya and Faizabad and are also on the record collected by the CBI team and which forms part of the annexures to my report.
- 99.15. The CBI team could of course only trace and establish the transit of monies through legitimate and conventional modes of money transfer. Needless to add, amounts at least equivalent in quantum to those unearthed must have been transferred through untraceable means and by way of cash also. It is impossible to authoritatively quantify or document the parallel money transfers which have undoubtedly taken place for the facilitation of the enterprise in December 1992 at Ayodhya.
- 99.16. The clearly defined movement of the monies from Sangh outfits to those spending the cash on the management and comfort of the crowd is more than sufficient evidence to establish the complicity not only of those peripheral

Sangh units and aggregations, but also of the fundraising drives regularly conducted by the BJP, RSS, VHP etc.

99.17. The recipient organisations in Uttar Pradesh to whom these monies were channelled included the Ram Janam Bhoomi Nyas, Bharat Kalyan Pratishthan, Vishwa Hindu Parishad, Ram Janambhoomi Nyas Paduka Pujan Nidhi, Shri Ram Janambhoomi Nyas Shri Ram Shila Pujan, Jan Hiteshi among others.

99.18. The accounts were operated by Onkar Bhave, Mahant Paramhans Ramchander Das, Nritya Gopal Das, Gurjan Singh and Narad Saran, Acharya Giriraj Kishore, Vishnu Hari Dalmia, Nana Bhagwat, Jaswant Rai Gupta, BP Toshniwal, Sitaram Agarwal, Ashok Singhal, Rameshwar Dyal, Prem Nath, Champat Rai, surya Krishan, Yashwant Bhatt, Avdesh Kumar Das Shastri etc.

100. A blinkered government

100.1. The government and the administration were deliberately blind to the analysis of the situation being given to it by the intelligence and other agencies. It was deaf to the fiery provocative and frenzied speeches which were publicly given and heard throughout. The government chose not to address the extremely aggressive stance of the likes of Mahant Ramchander Paramhans Dass, Sadhivi Ritambra etc.

100.2. The administration turned a blind eye to the obvious because they wanted to. The administration participated in virtually none of the arrangements, nor even in a rehearsal of the arrangements for the so called symbolic *Karseva* to figure out the logistics of such a mass event.

100.3. The real intentions of the movement's leadership were obvious with the benefit of hindsight. Negotiations at one point of time were carried out between VHP and the *Babri Masjid Action Committee* in the presence of representatives of the Government, wherein it was agreed to exchange and respond to the statements of claim, reports of historians, etc. Babri Masjid Action Committee did not file any claim while VHP did. The negotiations failed by May 1991 though they restarted later. It is worth noticing that the major participants in negotiations were Prof RS Sharma, Prof Athar Ali, Prof DN Jha, Shri Jawed Habeeb, Prof BP Sinha, Shri SP Gupta, Harash Narain, Prof KS Lal, Prof Devendra Swaroop, Shri BR Grover, Prof Suraj Bhan, Justice Ghuman Mal Lodha, Deoiki Nandan Aggarwal, Justice DV Sehgal,

VKS Chaudhry, Shri Zafaryab Jilani, Shri MA Siddiqi, Shri SA Sayed, Shri Zaffer Ali Siddiqi, Arif Mohammad Khan, Mohd. Jilani and Ashok Singhal etc. It would be noticed for ready reference that none of the persons from the *Kendriya Marg Darshak Mandal* or the *Sadhus* and *Sants* or the proclaimed leaders of the temple construction movement or its organisers were participants in the negotiations except Ashok Singhal.

100.4. Kalyan Singh's slogan on assuming office on 26th of June 1991 when he went to Ayodhya accompanied by MM Joshi "*Ram Lalla Hum Ayain Hain, Mandir Yahi Banayenga*" was the unambiguous oath for the construction of temple, which he later fulfilled.

100.5. One can't fault the protagonists of temple movement, *Sadhus* and *Sants* for believing that this was their own government and was going to leave no stone unturned in furtherance with the agenda which by now was no longer hidden. The *Sadhus* and *Sants* on the 20th of July demanded from the government that it remove all obstacles to the construction of temple by the 18th of November 1991. The VHP demanded the acquisition of the land as well as the handing over the site to them for construction of temple.

100.6. The BJP UP Government went a step further and not only acquired 2.77 acres of the land under the garb of promoting tourism and providing amenities for the "tourists" visiting the site. The Tourist Department of the Government undertook the levelling and digging of the land in the complex.

100.7. The *Sankat Mochan Mandir* was demolished under the leadership of Vinay Katiyar regardless and despite the injunction orders issued by the courts.

- 100.8. The existing security at the site was systematically scaled down and diluted under the persistent pressure of Vinay Katiyar, Braham Dutt Dewedi, Kalraj Mishra, Rajendra Gupta, etc. The pipe barricade, cordon in the area in front of *Ram Janam Bhoomi* exit gate and barricades on feeder roads and fencing under the barriers were ordered to be removed by August 1991. Those officers foolhardy enough to refuse the orders of BD Dewedi, SC Dixit and Vinay Katiyar for the dismantling of the security apparatus by the 15th of November 1991 were simply transferred out⁴⁷².
- 100.9. The observation of the '*Shaurya Diwas*' celebrated on the 30th of October 1991 in the memory of those who lost their lives in 1990 *Karseva* was also not a decision by the religious leadership or the Dharam Sansad or the Kendriya Marg Darshan Mandal. It is significant to note that no evidence for such a decision is on the record. On the contrary, the presence of Vinay Katiyar, Mahant Paramhans Ramchander Dass, Mahant Avidya Nath, Morpanth Pingle, VH Dalmia, Acharya Giriraj Kishore and Uma Bharti on the occasion speaks volumes about the people deciding to observe the Shaurya Divas under their leadership. The *patria protecta* of the RSS, the VHP was the moving force.
- 100.10. Vinay Katiyar and others attacked the team of the *National Integration Council* led by Subodh Kant Sahay which visited the site and later attempted to cover up the incident by suggesting that the attack was a result of provocation given by MJ Akbar who went to the *Ram Janam Sthan* shod in shoes, which had hurt the sentiments of *Karsevaks* who resorted to physical

⁴⁷² See CW 14/3

assault⁴⁷³. The Chief Minister objected even to the visit of Members of Parliament and team of NIC to the site and labelled it interference with state matters.

100.11. In stark contrast to the actual support being given to the construction movement, the Government adopted a placatory attitude in public. The Chief Minister, in the National Integration Council's meeting on the 2nd of November 1991, said, *"[that as] regards the disputed structure, I want to make it clear that I assure you that the entire responsibility of the protection of that disputed structure is ours, we will be vigilant about the protection of that structure and have strengthened the arrangements for its protection. Nobody will be able to go there now. The incident that took place, three persons had climbed atop the dome, but now repetition of any such incident will not be permitted there. I want to convey this assurance to you through this council. On the whole, it is our clear submission regarding the court that we will abide by the order that has been given by the court. We are bound by the order of the court, we do not want to anything by violating its order"*.

⁴⁷³ See the statement of Ashok Singhal DW 9, Syed Shahabuddin DW 14, Rakesh Sinha CGW19.

101. The alternative suggestion

101.1. The BJP's White Paper states the intention that the Ayodhya movement in 1991 was only to construct a temple while leaving the structure intact. There is nothing which has come before this Commission that this intention was ever brought to the notice of *Karsevaks* or any of the upper, middle or lower level leadership or in any public meeting or in any public speeches. This was never claimed or declared or otherwise expressed before the demolition of the disputed structure. This was never the stance taken by any of the protagonists of the temple construction at any point of time, right from the time of the raising of the issue up till the demolition. On the face of it, it is just one of the many attempts to explain the demolition or to extricate oneself from the responsibility. It is nothing more than a case of passing the buck and cannot be believed.

101.2. At no point of time was it said that the disputed structure was situated on a different place and that it need not be demolished for the construction of the temple. The emphasis in various speeches of all the various leaders was that the reconstruction of the temple was to be at the exact site of the disputed structure. The oath taken by the Chief Minister at the time of visit to Ayodhya in July 1991 runs counter to this alternative theory put forth. It was always asserted at all levels or during the negotiations that the temple would be built right at the spot of the disputed structure or the Garb Grah. The mosque would be relocated to a different site. One fails to comprehend this

in the light of the temple plan proposed by the VHP, which was displayed during the course of the Rath Yatra, included the disputed structure, still it was claimed that the intention was to build the temple leaving the disputed structure. Both stances of the temple protagonists are contrary to each other.

101.3. The Central Government has been day dreaming that the State Government would go against its election manifesto and honour its undertaking, even though it had shown its inability to deal with the situation in July 1992 or even cared to ensure the implementation of the Supreme Court's order by exercising the state's police powers. Attempt was made to explain such an atrocious act only with excuses and on the premise of a numbers game by observing that resorting to force would have caused more damage. In fact, it proved otherwise.

101.4. Palpable tension was growing around December 1992, and showed no sign of receding. The atmosphere was almost schizophrenic and the leadership caught up in the middle having vowed to construct the temple would have found it impossible to retract, even if it wanted to. The political parties were out to fish in troubled waters in order to secure their vote bank in their respective communities. Inflexible hardliners, demagogues, illiterate rabble rousers provided strength in politicising demand for the construction of the temple.

102. Confucius said, “*In human relationship, a gentleman seeks harmony but not uniformity.*”

102.1. The leadership was out to show political testosterone to impress the voters to back them to build their credentials and to keep their vote banks intact. They backed the controversial agenda despite their Constitutional obligation of sustaining secularism.

102.2. Some of the leaders tried to spread the notion that a particular section of the society was not patriotic. The well publicized speeches of Bal Thakray, Mahant Avidya Nath etc. are more than clear and don't even require reading between the lines.

102.3. The participation of the religious leadership gave moral authority to the *Karseva* and a theological vanguard; it preached the righteousness of the BJP Government. There was interference by the various religious leaders in the governance of the UP state. They were aspiring for political power.

102.4. The duplicitous conduct of the leadership is all too apparent and also evident from Ashok Singhal's conduct who proclaimed that they were not bound by the Supreme Court's judgment but rather by the decision of the *Marg Darshak Mandal* and decision of *Sadhu* and *Sants*. By the 31st of July 1992, he also declared that a constitutional or court solution, if found, would not necessarily be accepted by the VHP. Contrary to it he entered into written arguments with the Home Minister of India that they would be bound by the

Courts' orders. Undertaking to similar effect were given by the leading lights of the VHP including Vijay Raje Scindia and Swami Chinmayanand, in *para materia* with the one given by the UP State. He questioned Kalyan Singh's authority for giving the undertaking for a symbolic *Karseva*. Even the persons like Chinmayanand after giving an undertaking to the Supreme Court for symbolic *Karseva*, publically proclaimed it was a mere paper declaration, meant for courts alone and that the construction would be carried out nevertheless⁴⁷⁴.

⁴⁷⁴ *A video recording of this speech was duly produced before the Commission*

103. The state, *incommunicado*

- 103.1. The State Government, the local administration and the police had no means of communication on the 6th of December 1992. They could neither communicate with the organisers nor the *Karsevaks* present. The administration could contact the leaders or their forces only by physically and directly going up to them, which was not feasible in such a large crowd when particularly active local leaders or organisers were intermingled with the crowd or were scattered all over Ayodhya. There was a chaotic and unruly crowd present.
- 103.2. The public address system was completely controlled by the organisers. The state had neither any public address system nor any other system to communicate with their own forces or the *karsevaks*.
- 103.3. With the administration knowing full well about the sheer number of *Karsevaks* entering Ayodhya, it provided no routes for police reinforcement to enter the area. Conversely, all the hurdles in the way of *Karsevaks* between Faizabad and Ayodhya were removed which facilitated the rapid advance of *Karsevaks* to Ayodhya.
- 103.4. The suggestion that the *Karsevaks* were asked not to proceed to Ayodhya when their number reached unmanageable levels at Ayodhya does not find any support from the evidence on the record.

- 103.5. Removal of barriers and barricading from the feeder road etc. had commenced as far back as the 2nd of January 1992. Fencing around the disputed structure was removed against the advice of the paramilitary forces. The State administration asserted that the removed barriers could be resurrected immediately whenever the need arose – which was never done⁴⁷⁵.
- 103.6. The proposal for doubling the barricading from north and east of *Sheshavtar Mandir* and the provision of a buffer zone was not carried out because of resistance, particularly as the arrangements for the *Karsevaks* were being made by the organizers and admittedly the administration had no role in it to play.
- 103.7. There were recommendations for increased security by one Raghunathan, Deputy Director; Umesh Kumar, Assistant Director with KG Riana and a team of IB officers. The Chief Minister of UP was requested for review of the security keeping in view the recommendations made from time to time. The Chief Minister again held a meeting for a “review” of security wherein the security was actually diluted further. It is undisputed that no weight was attached to the recommendations made for security⁴⁷⁶. Minor cosmetic acts like replacing of defective metal detectors, monitoring of CCTV, providing a gate at *Sakshi Gopal Mandir* for exit, manning of watch towers, barriers locations and making them functional, deployment of force on rooftops were the changes ordered to be undertaken⁴⁷⁷.

⁴⁷⁵ See the statement of Parkash Singh (CW14), the then DGP of UP.

⁴⁷⁶ See the statement of Chief Secretary VK Saxena (CW13)

⁴⁷⁷ See CGW 32, N.C. Pandhi CGW 22 and CGW 29, which are appended to the report.

- 103.8. The Central Government too repeatedly pointed out various security lacunae to the State Government and urged it to secure the area⁴⁷⁸. The Chief Minister in consistence with his conduct wrote back to the Central Government refusing to review the security.
- 103.9. The Home Minister of India on 23rd of February 1992 apprised the Chief Minister Kalyan Singh about the apprehensions of the people with respect to the construction of the wall referred to as Ram Dewar⁴⁷⁹. He pointed out that wall was being built by VHP activists and had a distinct political overtone. Reference with respect to visit of SS Bhandari and his statement with respect to sanction of the amount of construction of wall which was to be followed by construction of temple was made. It was specifically pointed out to the Government that the construction of the wall has been undertaken to assuage the feelings of VHP, *Bajrang Dal* who were impatient over the BJP's Government silence on the issue. The Chief Minister refuted these allegations despite knowing these facts to be true⁴⁸⁰.
- 103.10. Demolition in front of the disputed structure by the Tourism Department had continued up till the 22nd of March 1992. This levelling and dumping of the removed earth resulted in a 12 feet deep depression on the eastern side and reduced the effective height of the wall, popularly known as Ram Dewar, to such an extent that it could be jumped over or scaled with ease to reach the disputed structure or the isolation cordon.

⁴⁷⁸ See CW 13/20 and CW 13/46.

⁴⁷⁹ though for record it was referred to as the security wall

⁴⁸⁰ See the report in File No. 22.200/30/D/92

103.11. Another fact which must be noticed at this stage is that the District Magistrate who had experience and knowledge of, the geography of the town and understood the situation, and who had handled the events for protecting the disputed structure was transferred and RN Srivastava was posted, who joined on 28th of February 1992.

103.12. The Home Minister objected to the removal of barricading and concertina wires as this posed a new danger to the security of disputed structure. It was pointed out that if a determined crowd within the walled enclosure attempted to damage the disputed structure, it could not be repelled in the absence of physical barriers and barricades.

103.13. The rumours spread by the organisers about dissolution of the state legislative assembly and the imposition of President's Rule in the state, resulted in changing the programme of calling in only 25,000 *Karsevaks* on the 6th of December and instead a call was made to all the *Karsevaks* to come to Ayodhya on that day simultaneously. The organisers never informed the state or the courts of the change in their programme or process of proposed karseva. The administration was not even sensitive, much less prepared to meet the altered situation brought about by the organisers.

104. The civil servants

104.1. The prejudice of DB Rai in favour of the construction movement was writ large in his stand taken with respect to the mood of *Karsevaks* in July 1992 contrary to that which emerged from the preponderance of the evidence and even the facts admitted. DB Rai's prejudice gets further corroboration from his being posted against the advice of the then DGP Parkash Singh, who admitted before the Commission that DB Rai along with other officers were reported to be pliable by the organisers of the movement and with the local politicians.

104.2. His prejudice and conduct during the whole process is further unveiled by the post demolition event disclosing his hidden agenda of joining politics and the thought of Hindu Mahasabha ingrained in him right from the beginning, though a superficial stand was taken by him that he was acting in accordance with the constitution⁴⁸¹. Before the Commission, he made patently false statements, even denying the raising of provocative slogans, chants and speeches, which hadn't been seriously disputed by any other witness; and which was clearly established from the video recordings produced before the Commission.

104.3. SC Chaubey noticed from media reports that the VHP was organizing the convention of *Sants* which was being opposed by Muslims. He expressed apprehension about a possible skirmish and damage to property and informed

⁴⁸¹ See DW 13/21.

the authorities. He requested for proper frisking and presence of District Magistrate and Gazetted officers near Isolation Cordon.

104.4. Principal Home Secretary Prabhat Kumar expressed similar apprehensions on 6th of July 1992 after pointing out presence of 20 thousand *Karsevaks* out of which 10 thousand *Sadhus* and *Sants* were staying in Ayodhya with the possibility of the number of pilgrims and *Karsevaks* rising to lakhs. He expressed his apprehensions with respect to possibility of damage to the disputed structure being caused in the background of the statement of Hindu leaders and the judgment of the courts.

104.5. It may be noticed that the information sent by SC Chaubey and the Principal Secretary Home apart from the other sources was within the knowledge of the Chief Minister⁴⁸².

104.6. The Home Secretary had also made multiple specific suggestions for augmenting the security around the site. These apprehensions, at various times throughout the year had been voiced in one form or another, or at least noticed by other officials including the Additional DGP, the Chief Secretary, the Home Secretary and by SC Chaubey. The Commissioner Faizabad admitted having participated in meetings but for the reasons best known to him, failed to produce the relevant details and minutes.

104.7. The conduct of the local administration was irresponsible as is patently inferable from the fact that AK Saran was posted as IG Security on 6th of July 1992. He visited the site on 8th of July and no changes were brought about in

⁴⁸² See Prabhat Kumar's note, CW 16/2.

the security. Secondly the Commissioner Faizabad who was conscious of the responsibility of the administration and discipline has pleaded no knowledge of patent facts of demolition that took place between April 1992 and July 1992.

104.8. It is obvious that despite the statutory responsibility of the district administration all decisions were being taken at the level of Chief Minister and the local administration had no free hand to administer. They were only acting or conducting themselves in conformity with the wishes of the political executives or according to the wishes of Ashok Singhal, Vinay Katiyar, Acharya Giriraj Kishore and Sakshi Ji Maharaj (who claimed to be related to the Chief Minister), Braham Dutt Dewedi, Paramhans Ramchander Das, SC Dixit, VH Dalmia, Champat Rai and Rajendra Gupta or the unidentified protagonists of the temple movement. They were concededly put in charge of Ayodhya in the name of development, though not a single scheme has been shown which was undertaken for the development of Ayodhya.

104.9. As late as 14th of October 1992 the Commissioner was still enquiring and seeking appropriate directions for security of the disputed structure despite the fact that assurance was given to the Supreme Court that no construction would be carried out⁴⁸³.

104.10. The Home Minister of India addressed a letter to the Chief Minister in July 1992 wherein he expressed concern over the levelling in the disputed site, collection of construction machinery, digging of area for construction of

⁴⁸³ See CW 9/19 and CW 9/40, and the statement of SP Gaur (CW9).

temple, widening of *Durahi Kuan* Road and wall on the northern side of the disputed structure, collecting of about seven thousand people in the *Ram Janam Bhoomi* complex reiterating the plans of construction, provocative speeches, meetings and Samelans in favour of construction.

104.11. AK Saran informed the DGP about the inadequacy of the security arrangements to the disputed structure, pointing out that 10 companies of PAC, 6 companies of CRPF, 33 sub-inspectors, three main reserves and 80 reserves were deployed for the security of the disputed structure and the complex during the festival. It was further pointed out that 80 reserves would be deployed from the 1st till the 31st of November 1992.

104.12. As a consequence of a request by the Central Government to review the security, the Chief Secretary held a meeting on the 2nd of November 1992. Principal Secretary (Home), DGP SVM Tripathi, SNP Sinha Additional DGP Intelligence, CK Malik IG Security, AK Saran IG Lucknow Zone, and Shekhar Aggarwal Special Secretary participated in the meeting taken by the Chief Secretary. It was decided that there is no need to give the control of inner cordon to paramilitary forces. Deployment of Magistrate and Gazetted police officer was already there. Entry was to be regulated only on festivals days though it would create law and order problem as all cannot have Darshan. The security of disputed structure from adjacent Bhawans was already ensured. Bomb disposal squad was already deployed and the frisking and checking was carried out in presence of police officer along with the Magistrate. Paramilitary forces were reminded that they are deployed for the support of the State Government and should work under their control.

Ongoing construction work was pointed out. CRPF was ignored on the assumption that there is no possibility to go against the Hon'ble Supreme Court's order. The construction of gate for security was rejected under the garb that it would be violating the order of Supreme Court. Installation of link hanged wire and pressure sensors was declined, while with respect to infrared beams further information was sought. Decision for installation of watchtower was taken. Putting padlock on the iron gates was declined. It was observed that road barriers were serving the same purpose despite the fact that all of them knew that road barriers had already been removed since January 1992 or even earlier. Digging of trenches around the complex was declined⁴⁸⁴.

104.13. Champat Rai, admittedly the in-charge of the construction of the temple, had in a conference at *Bhagwad Acharya Centre* declared that *guerrilla shaily* (strategy) would be adopted on 6th of December 1992. This declaration was published and not contradicted or countered by any leader of the movement or political party⁴⁸⁵.

104.14. Even so, the Commissioner Faizabad⁴⁸⁶ categorically admitted that the security arrangements were made keeping in view that force or coercive force would not be used at the disputed structure as the State Government was of the view that the use of force would be counterproductive.

⁴⁸⁴ See statement of AK Sharan (CW8), Akhilesh Mebrotra (CW11), SNP Sinha (CW12), and KS Sudarshan (CW18).

⁴⁸⁵ Corroborated by the statement of CGW 49 CK Mishra and Suman Gupta

⁴⁸⁶ CW9

105. The contradictory stand of the VHP

- 105.1. Another circumstance which can be noticed is that despite the State Government's and VHP's public stand that the *Karseva* was only to be a symbolic *Karseva*, still no effort was made to restrict, check or regulate the number of *Karsevaks* in Ayodhya or Faizabad, rather more and more people were mobilised to come in one go.
- 105.2. I am unable to comprehend that when the VHP had taken a stand of symbolic *Karseva*, then what was the necessity to take a fresh decision for symbolic *Karseva* again on the 5th of December 1992 in Ayodhya, attributed to *Sadhus* and *Sants* whose agenda is admittedly settled by VHP.
- 105.3. The VHP had also given an undertaking through their representatives to the Supreme Court for symbolic *Karseva*; yet in Ayodhya till almost the last moment, they had been proclaiming to one and all including the media that actual *Karseva* and construction would be carried out on the 6th of December 1992. These statements were widely published and were brought in evidence before the Commission.
- 105.4. There was a defiant and duplicitous attitude towards the court's order. The stand was being taken and declarations made that courts cannot decide matters of this nature. Courts' orders are not binding. Decision of *Sadhus* and *Sants* would only prevail.

- 105.5. Madhukar Dattatraya Deoras, popularly known as Balasaheb Deoras, was an Indian politician and former *Sarsanghchalak*, or chief of the Rashtriya Swayamsevak Sangh
- 105.6. He published a statement which reads, *“Reconstruction of the Shri Ram temple at Ayodhya is hanging fire precisely because of the Centre’s weak-kneed policy. A self-respecting nation will sooner than not remove all traces of its slavery. The reconstruction of the Shri Ram temple on Lord Ram’s birthplace in Ayodhya cannot be dismissed as a communal demand. It is a question of the nation’s honour. All of us should appreciate this. Our own government at the Centre must also realise this. Just as there is a limit to a person’s power of endurance, there is also a limit beyond which even society will not tolerate things. It would, therefore, be in the ultimate interest of one and all if Government desisted from trying the Hindus’ patience. If anybody is under the impression that the temple dispute will be solved by the courts, let me tell them that they are gravely mistaken”*
- 105.7. This was quite consistent with his earlier statement and conduct in 1990 when he proclaimed, *“we are no longer slaves and hence shall not tolerate any symbol of slavery”*. He exhorted Muslims to agree with his and their sentiments. He correlated it to the meaning of *Sarvadharmā Sama-Bhava*
- 105.8. In the same strain, in 1986 Prof Rajendra Singh proclaimed, *“I cannot trust the minorities – anyone who lives in the country is a Hindu but if he does not love its culture, its soil and its sentiments, he is our enemy. The Congress bestowed privileges on the Muslims to please them, who had opted for Pakistan. If the*

Government goes on conceding the demands of the minorities, one day the question of a second Pakistan and Christian land shall come before us.”

105.9. In 1987, the *Akhil Bharatiya Pratinidhi Sabha* of the RSS passed a resolution to the following effect, *“The Ram Janam Bhoomi complex locked by the Government has been opened because of Court’s orders, and with the removal of restrictions the Puja ceremonies have started there in full swing. Yet the task of renovation of the temple remains incomplete. Independence demands that all public vestiges of foreign domination disfiguring our national scene need to be washed clean. The ancient but dilapidated Ram Janam Bhoomi temple too needs to be restored to its old glory. Then alone will the agonised cry of the nation’s conscience get assuaged.”*

105.10. Attempts were made by the leadership to put forth ones’ caste, religion or region to share the spoils of democracy. Religious local problems had and continue to be manipulated and political parties are becoming polarised on the issue of religious behaviour which is more damaging to democracy or the democratic institution.

105.11. All the self-seekers in politics and religion were joint in their quest to acquire power and wealth. Half-truths were handed out to the gullible people which blinkered them and made them pliable in the hands of their political and religious leaders. The *Sangh Parivar* designated itself the philosopher and protector of Hindus. The image generated suited their political agenda and fitted in it.

105.12. There were some who follows religion, who feel unsafe without crowds to justify their faith. They are the cartel of hatred.



ORGANIZATIONS AND THEIR INTER SE LINKS

106. THE ORGANISATIONS AND THEIR *INTER-SE* LINKS

106.1. The *inter se* relationship between the various organizations which played a part in the events leading up to the 6th of December at Ayodhya is extremely convoluted and requires not just a close examination of the voluminous evidence collected and collated by the Commission, but also a basic knowledge of recent Indian history and the effect that the reformist and reformatory movements within the Hindu society have had.

106.2. For obvious reasons, the various leaders and especially those who played a prominent part in the events have sought to obfuscate and confuse the reality. There are any numbers of explanations and theories which have been brought forth, before the public as well as before me which are not only misleading, but also serve the practical purpose of keeping these *inter se* linkages hidden.

107. A conscious attempt to deny and obscure the linkages

- 107.1. Words can eclipse facts and none is immune to propaganda. Much-repeated verbiage incapacitates and affects a person's ability for rational thinking to discriminate between fact and fiction.
- 107.2. It was a daunting task for me to discern the *inter se* relationship between the *Karsevaks* and the institutions, their members, various organizations, parties and associations, religious groups, *Sants* and *Sadhus*, especially in the face of the conscious attempts at disinformation. For the common man, the same exercise, without the benefit of the broad mandate and coercive resources of the Commission, would be nearly impossible.
- 107.3. At the outset, I may observe that no clear-cut or authoritative evidence with respect to the *inter se* relations of the parties participating in the movement of *Karseva* or construction of temple was made available to the Commission formally, and for obvious reasons.
- 107.4. Attempts were consistently made during the course of evidence to ride roughshod over the facts, background and circumstances, thereby deliberately obliterating the same and attempting to make it impossible to get at the facts.
- 107.5. It would be futile to deal with each of the witnesses or their particular attempts to deny, veil or oppose even the obvious facts and circumstances in order to hide the *inter se* relationships.

107.6. Just by way of example, Vinay Katiyar the self-proclaimed and self-confessed forerunner of the *Mandir* construction movement projected himself and his *Bajrang Dal* to be as devoted to the movement, as *Hanumanji* was to lord Ram Chander. He claimed that the *Bajrang Dal* was an independent body and denied even that it had any rules or regulations or shared a common membership or any links for that matter, with the other participants in the construction movement. He denied being under the control, influence or authority of any other person or organization and declared that the *Bajrang Dal* was “in his bag” and that anybody wearing a yellow band was a member of it. Later he contradicted himself when he admitted its formation in the *Akhara* of Paramhans Ramchander Dass and with his blessings. On the other hand, Paramhans Ramchander Dass claimed that the *Bajrang Dal* was the youth wing of the *Vishwa Hindu Parishad* and was under his control and that of his *Akhara*. Paramhans Ramchander Das's assertion was corroborated by persons like Ashok Singhal, Acharya Giriraj Kishore etc.

107.7. Vinay Katiyar even denied facts candidly admitted by LK Advani etc. for example, that all the leaders had gathered at Katiyar's house for breakfast before proceeding to the disputed site on December 6th, 1992.

107.8. Vinay Katiyar was defiant and adopted a hostile attitude as a witness. Although his total denial of the obvious and the clearly established was farcical and on one extreme, the other leaders also did their best to deny information to the Commission by resorting to various processes including non-appearance despite summons or through judicial challenges to notices issued by the Commission.

107.9. Most of the local leaders adopted a defiant and aggressive attitude and did not disclose the relevant facts during the course of their evidence. Even the government officials of UP, despite the change in the political party governing it, used to come out with versions in the media instead of taking any specific stand before the Commission with respect to the issues referred, much less to the interlinks of the participants of the construction movement.

107.10. The government of Uttar Pradesh failed to lead any evidence despite the fact that its Advocate General had been consistently appearing before the Commission and seeking adjournments for this specific purpose. Despite the numerous opportunities granted to the Advocate General, which are recorded in the interim orders of the Commission, no such assistance or material was forthcoming.

107.11. Even the record of speeches etc. on 6th of December 1992 or during the course of *Rath Yatra*, the existence of which had been admitted by the Senior Superintendent of Police and other officers holding responsible offices, were not produced despite innumerable orders made by the Commission for their production. Clipping of CCTV were not even referred to, much less produced. Even the person or authorities in possession of these were not disclosed. They were withheld despite the change of governments. Their existence or non-existence was not even recorded.

107.12. It is also relevant to notice that many leaders of various shades or belonging to the various parties used to issue statements in the media, and which the later denied on oath before the Commission or about which they pleaded

amnesia Even with respect to the opinions and inferences expressed by them, the *prima facie* material upon which they based these judgments were never disclosed.

108. The relevance of theories and ideologies

- 108.1. Most enquiry commissions have shunned venturing into the domain of theories or philosophies or thoughts of the various actors in the events under consideration, as far as possible. However, in the instant case, the basis for the actual events and the rationale for the movement can be ascertained only by reference to these.
- 108.2. The subject matter under enquiry being a religious and ideological one, close to the innermost emotions and beliefs of the people, it was shaped and directed by the doctrines, dogma, thoughts and philosophy of the various aspects of Hinduism.
- 108.3. In fact and as freely admitted by the main actors before the Commission, the doctrinal and didactic aspect of the cultural, social and religious aspects of Hindu life were specifically invoked and turned into a mass movement for obtaining the physical support of the people. For the movement as well as for the BJP during the elections. The leadership used the doctrinal aspects of the phrase Hindu as a religion with its philosophical connotations as a way of life and steered the movement by constantly evoking the inherent fear of God or imagery of “the defenders of the faith”.
- 108.4. The thoughts and philosophies cannot possibly be ignored given the very nature of enquiry, with reference to the questions referred to this Commission.

109. The foundation of the Hindu movement and the *Sangh Parivar*

109.1. Throughout this report, the term “*Sangh Parivar*” has the same connotation and has been used interchangeably with the phrases, *founders* or *authors* or *leaders* etc. of the temple construction movement. Some of the organisations which form a prominent part of this Parivar are

109.1.1. Rashtriya Swayamsevak Sangh (RSS)

109.1.2. Bharatiya Janta Party (BJP)

109.1.3. Rashtriya Sevika Samiti

109.1.4. Vishwa Hindu Parishad

109.1.5. Bajrang Dal

109.1.6. Sant Samaj

109.1.7. Bharatiya Vikas Parishad

109.1.8. Akhil Bharatiya Vidyarthi Parishad

109.1.9. Swadeshi Jagaran Manch

109.1.10. Adhivakta Parishad

109.1.11. Bharatiya Kisan Sangh

109.1.12. Bharatiya Mazdoor Sangh

- 109.1.13. Adivasi Kalyan Kendra
- 109.1.14. Fishermen's Co-op Societies
- 109.1.15. Vivekananda Medical Mission
- 109.1.16. Adhyapak Parishad
- 109.1.17. Vivekananda Kendra
- 109.1.18. Deen Dayal Shodh Sansthan
- 109.1.19. Janta Yuva Morcha
- 109.1.20. Shiksha Bharati
- 109.1.21. Hindu Swayamsevak Sangh
- 109.1.22. Saraswati Shishu Mandir
- 109.1.23. Vidya Bharati
- 109.1.24. Vanavasi Kalyan Ashram
- 109.1.25. Vijnana Bharati
- 109.1.26. Samkalp
- 109.1.27. Sanskar Bharati
- 109.1.28. Sahkar Bharati
- 109.1.29. Vit Salahkar Parishad

109.1.30. Seva Bharati

109.1.31. Bharatiya Vichara Kendra

109.1.32. Bhartiya itihās sankalana yojana

109.2. In the modern India the concept and idea of Hindu nationalism was first propagated by Veer Savarkar. His main argument about *Hindutva* is that the Aryans were settled in India in ancient times and already composed a nation. The Hindus are the descendants of the same Aryans. Their *Hindutva*, according to him, rests on three pillars: geographical unity, racial features and a common culture. Savarkar was not said to be so much religious minded as much as he was trying to preach an ideology. The ideology constructed meant a common culture, common territory and common racial features. The most important component was the idea of territory and all those within that territory were of a common stock and common race.

109.3. For Savarkar a Hindu was an inhabitant of the zone between the rivers, the seas, the Himalayas, ‘so strongly entrenched that no other country in the world is so perfectly designed by the fingers of nature as a geographical unit’. This was why, in the Vedic era, the first Aryans developed the ‘sense of unity of a people’ and even a ‘sense of nationality.’

109.4. He further stated “the Hindus are not merely the citizens of the Indian state because they are united not only by the bonds of the love they bear to a common motherland but also by the bonds of a common blood. They are not only a nation but *race-jati*. The word *jati*, derived from the root *Jan* – to produce – means a brotherhood, a race determined by a common origin,

possessing a common blood. All Hindus claim to have in their veins the blood of the mighty race incorporated with and descended from the Vedic fathers.”

- 109.5. Factors responsible for the growth of the RSS included the growth of the non-cooperation movement by Mahatma Gandhi and the resultant conflict between Hindus and Muslims over issues like Khilafat movement. Dr. Hedgewar had noticed the animosity between Hindus and Muslims and he came to the conclusion that a nation meant exclusively for Hindus could be the only solution.
- 109.6. He said that it had become evident that Hindus were the nation i.e. Bharat and that *Hindutva* was Rashtriya. While wishful thinkers pretended not to see the writing across the national political firmament, the realist in Dr. Hedgewar refused to dream up wishy-washy dreams. The truth was out. Only Hindus could free Hindustan and they alone could save Hindu culture. Only Hindu strength could save the country. There was no escape from the logic of facts. Hindu youth had to be organized on the basis of personal character and absolute love of the motherland. There was no other way. The agony of the great soul expressed itself in the formation of Rashtriya Swayamsevak Sangh.
- 109.7. It is said that five like-minded people had gathered at the residence of Hedgewar to give concrete shape to the idea of setting up an organization which could act as a nursery of militant organizers of Hindu society. Those five persons, according to non-RSS sources, were Dr. B.S. Moonje, Dr. L V

Paranjpe, Dr. K.B. Hedgewar, Dr Tholkar and Babarao Savarkar. The RSS publications mention only the figure (5) and not the names perhaps because all of them were Hindu Mahasabha leaders and the RSS has been shy of owning up any relationship with the Mahasabha.

109.8. In pursuance of the understanding thus arrived at, Hedgewar started recruiting teenage school boys mostly in the 12-15 age group. Before admitting a boy into the group he carefully scrutinized his eligibility mainly in terms of loyalty and obedience. There are instances of boys desirous of joining but were rejected by him. He was developing a personal group, a militant gang which would not stand duality of allegiance either to persons or to principles. Within a short period he made arrangements for physical training of the youth recruits. The venue of training was the place in Nagpur where now stands the Hedgewar Bhavan, the headquarters of the RSS. The place was then known as *Salubai Mohit'e bara* and was lying vacant and unused, cluttered up with rocks and stones. To make it usable as playground the boys cleaned it up themselves under the leadership of Hedgewar. The activity at this new place, the first Sanghathan, was the real beginning of the *Shakha* programme. Thus the *de-facto* *Shakha* started only in early 1926, a few months after the *de-jure* date of birth.

109.9. Hedgewar found encouraging response to the experiment. The idea had developed a local habitation and needed a name. The problem engaged his attention in the early months of 1926. A meeting was called to decide the issue and after considerable discussions, it was decided that it should be named *Rashtriya Swayamsevak Sangh*.

109.10. Hedgewar's view prevailed and the organization got its name on the *Ram Naumi* Day (the birthday of Shri Ram Chandra, the Hindu god or hero of the Ramayana era. He is popularly accepted as the incarnation of God. A flag was also adopted which with its distinctive colour and shape which was supposed to be the flag of Ram Chandra, the epitome of what an ideal king ought to be. A prayer, in mixed Hindi-Marathi language had been composed and began to be recited everyday at the end of the *Shakha* programme. It ended with two slogans – (i) *Rashtra Guru Samarth Ramdas Ki Ja* and (ii) *Bharat Mata Ki Jai*.

109.11. Shivaji was taken as the ideal and the hero of the RSS. The flag and the prayer with its end slogan naturally gave it a Maharashtrian colouring. That is why there is a widespread opinion and belief that the RSS aims at revival of the *Peshwa* Rule.

109.12. Between 1977 and 1982 the RSS growth was phenomenal. It's then general secretary Rajendra Singh proudly claimed on August 3, 1983 that the total number of *Shakhas* (branches) had increased from 6000 to 19,000 and was expected to reach 21,000 by the end of 1983. If the smaller ones were included, the total would reach 35,000. 7,00,000 dedicated *Swayamsevak*s (volunteers) attending the daily drills and meetings at dawn or dusk. In 2002, the RSS had 45,000 *Shakhas* all over the country and a formidable organizational network.

109.13. The RSS, the BJP and the VHP work as three distinct bodies and have separate constitutions, organizational structures and work patterns. It cannot

be denied that in terms of membership, ideology and agendas of action, there is an overlap between the three. At micro level there are innumerable bodies which are either floated by RSS or are frontal bodies of it or are working under their guidance, job assigned to them by RSS or are under their influence. Their agendas are carried forward and implemented by RSS who even lend their *Swayamsevaks* to organise or run them. The RSS has played and is playing a parenting role in shaping the other two organizations apart from doing the same for its other organisations. The Swayamsevaks of the RSS lent their active contribution not in floating the VHP but also working for it in important organizational or other activities. It is not disputed that the Swayamsevaks, RSS pracharaks are also the members of the VHP. Apart from this, the RSS also lends its office bearers and other workers to the VHP from time to time to run their affairs. The RSS mobilizes people for various programs carried out by the VHP. It renders advice to them for achieving the success of their programs. In the politics of the RSS and its Parivar, there is a division of labour – a division of work between the “cultural” RSS, the “political” BJP and the “religious” VHP.

109.14. As is well known, the main role in the formation of the VHP was played by the RSS – especially by its *Sarsanghchalak*, MS Golwalkar (1906-1973) who led the RSS from 1942 to 1973. This view has also been endorsed by Acharya Giriraj Kishore while deposing before the Commission who clearly stated that basically RSS people are in the VHP. Golwalkar was able to draw a large number of religious leaders towards the BJP on an appeal that the *Sadhus* and Sants should work for the unity of Hindu society. This not only

enable the RSS to lobby for its views among a larger audience, but also attract sections of non-RSS Hindus elite such as former Rajas and ex-Congress members.

109.15. On 12th August, 1964, a few days before the launching of the idea of the VHP, Golwalkar had expressed concern that – “the real trouble with us in this country that we do not have a great goal before us, there is no sense of mission. Without such a sense of high mission no country can become a great.” It was felt within the RSS that along with a lack of “sense of mission” and re-interpretation of the Dharma Shastras and review of some of its professions and practices in the background of the growing challenges – both internal and external – to the Hindu society and Hindu Dharma were long overdue. With a view to fulfilling this urgent and paramount need religious leaders were brought together to form the VHP. Later apart from other objectives and considerations which may be noted later in this report, I conclude that in order to keep the VHP together, it floated different bodies including the Dharam Sansad, Kendriya Marg Darshak Mandal etc.

109.16. The RSS displayed and exaggerated the fear that the neglected section within Hindu society was being made the special target for proselytisation by Christian and Muslim missionaries. And therefore this necessitated restructuring and re-vitalization to prevent the weakening of the Hindu society. The RSS believe that Hinduism has to change its non-proselytizing image to save itself from extinction. The aim of its hold over the VHP in the beginning was to buy time and establish the VHP as an acceptable religious organization before it took on a much more serious goal.

109.17. The VHP, RSS and its allied organizations are verily the engines of this Hindu renaissance and national reconstruction.

109.18. It is obvious that there was inter-changeability of roles between VHP, RSS and BJP. For instance, Vijay Raje Scindia was Vice-President of BJP and leader of the VHP, L.K. Advani and Murli Manohar Joshi had a RSS background. Ashok Singhal and Giriraj Kishore both not only have a RSS background but were Swayamsevaks and pracharaks therein. There is no gainsaying and even accepted by the top leadership of the RSS who were present in the forefront of the BJP or other organizations, that once a person becomes a swayamsevak, he continues as such till his death irrespective of the level of his participation in the RSS or any of the allied organizations. Another new factor at this stage in the mid-1980s was the founding of Bajrang Dal which again was nothing but the youth wing of the VHP floated by Mahant Paramhans Ramchander Das. Yet it cannot be denied that Vinay Katiyar was its founder who is none else than a RSS pracharak who claims to have chosen Faizabad as his area of work. It is all a veil and in fact he appears to have been deputed by the RSS to work for the VHP and the temple construction movement with Faizabad and Ayodhya as the operations area. It is peculiar that admittedly he went to work in Ayodhya or chose it as his *karmabhumi* (field of activity) in the same year when the issue was raked up for the first time in 1983. It is a disguise and in fact he appears to have been deputed by the RSS to work for the VHP and the temple construction movement in Faizabad and Ayodhya. The overlapping of the RSS, BJP, VHP and Bajrang Dal is obvious when Vinay Katiyar became a pracharak of

the RSS, member of the legislative house from the BJP and even the president of the UP State BJP while simultaneously continuing to be the president of the Bajrang Dal. Katiyar specifically bragged that the Bajrang Dal and its rules and its membership were in his bag. At the same time, he denied that any membership roll of the Dal was maintained or that there was any set procedure for inducting a person into the Dal. This was to give sharp claws and teeth to the VHP as it proved to be its militant wing.

109.19. Gurjan Singh who was concededly a forerunner in the Vishva Hindu Parishad and active in the temple construction movement was none else but a RSS Pracharak. He himself admitted that he was an RSS Pracharak for life, but took over the responsibility of the VHP for the construction of the temple at the disputed site. He was physically present earlier to, and on the fateful day in Ayodhya and was guiding the karsevaks in their day to day programs. This by itself is a pointer that the entire movement and the mobilisation was led, launched and carried out by the RSS.

109.20. In February 1948, the Government of India declared their determination to root out the forces of hate and violence that were at work in our country and imperil the freedom of the nation and darken its fair name. In pursuance of this policy the Government of India decided to outlaw the Rashtriya Swayamsevak Sangh. By 11th July, 1949, Government of India announced the lifting of ban on the RSS. It was again banned during the emergency from 3rd July 1975 to January 1977 and lastly it was banned on 10th December 1992 to 3rd June, 1993 after the demolition of the disputed structure. Justice P.K. Bahri, Judge of the Delhi High Court, constituted the

Unlawful Activities (Prevention) Tribunal vide his order dated 4.6.1993 did not confirm ban on the RSS and the Bajrang Dal while confirming the ban on the VHP. There is no gainsaying that the RSS, VHP and Bajrang Dal are not only alter egos of each other but frontal organizations of the RSS. They are so interlinked that it is not possible to segregate them and treat them as independent entities.

109.21. The RSS as can be seen, has always been in the forefront of Hindu revival and was the chief architect for building the Sangh Parivar. It lay dormant in the 1950s and 1960s and grew from strength to strength in the 70s and 80s and has steadily increased in numbers and influence thereafter. It has had a long history of rise and fall several times. It may be mentioned that the RSS was chiefly responsible for taking the Ayodhya issues to the masses through the instrumentality of the VHP and other allied organizations. In effect what it has achieved was, even while staying in the forefront of the movement, it managed to conceal its activities very effectively and made it appear that the VHP, Bajrang Dal and other organizations were mainly responsible for the demolition. As a matter of fact, all the leaders whether they are from VHP, Bajrang Dal or BJP had their grooming and training as members of the RSS. The major role of the RSS was also in promoting the cause of Hinduism by making the leaders take vows for protection of Hindu culture and Hindu identity. The RSS was also a major participant in the *Rath Yatra* movement of LK Advani and in fact the concept of the *Rath Yatra* itself was mooted by the RSS in order to provide a visible symbol of Hinduism to the masses at large like a religious procession. The RSS also provided the manpower and

physical strength to the Rath Yatra movement and crowd mobilization was one of its major aims by using symbols very clearly for the above purpose. The actual mobilization was in turn done by the VHP. The militant or the youth wing of the VHP was the Bajrang Dal whose leaders were also groomed in the RSS way of thinking like Vinay Katiyar, the founder of Bajrang Dal. In general public perception, the BJP is the successor to the Jan Sangh. The other allied organizations of the RSS were also seen as the forerunners of the Hindu revival, particularly when their object was also to attain in pith and substance the same, i.e. organizing the Hindus.

109.22. According to L K Advani the term “*Hindutva*” can be called by any name. he stated “*you can call it by any name. You can call it Indianness, you call it Bharityata, you can call it Hindutva. I view these words as being essentially synonymous. In fact, I think that the Supreme Court’s definition of Hindutva as being a way of life or a state of mind, not necessarily confined only to strict Hindu religious practices, unrelated to the culture and ethos of the people of India, is the correct definition. I also hold that if India opted for secularism in 1950, it is because of its tradition and culture in which theocracy is discarded. Objection is often taken to India’s nationalism being described as cultural nationalism on the ground that India’s culture is composite.*

In the early 50’s a book titled “India as a Secular State” was written by a western scholar, Donald Eugene Smith, in which Smith commented on this phrase ‘composite culture’ by saying: “...despite the composite nature of Indian culture, Hinduism remains by far the most powerful and pervasive element in that culture. Those who

lay great stress on the composite nature of Indian culture frequently minimize this basic fact. Hinduism has indeed provided the essential genius of Indian culture.”

“I may add that the culture of any ancient country is bound to be composite. But in our country emphasis on the composite character of Indian culture is generally an attempt to disown its essentially Hindu content... So far as I am concerned or my party is concerned, we broadly subscribe to the concept of secularism which emerges from the concept of ‘Sarva Pantha Sambhav’ which in itself is born out of traditional Hindu concept or Hindutva. I cannot conceive of any other country apart from ours, which in the circumstances in which it got freedom – partition being based upon the two major religions of the country – and yet it rejected theocracy. This is essentially the contribution of the Hindu tradition of polity.”

109.23. Another adherent of the RSS philosophy and a staunch follower and propagator of the Ayodhya movement was Acharya Dharmendra Dev. He very clearly in his deposition mentioned that the disputed structure was a symbol of slavery and it should be erased. He also mentioned that national honour has been revived and re-established.

109.24. Similarly Paramhans Ramchander Dass, one of the foremost leaders of the movement and President of Ram Janambhoomi Yagna Samiti who also owes allegiance to RSS has this to say before the Commission. *“Dhanche girene se mujhe afsosh nahin hai, mein khush hua.”*

109.25. KS Sudershan, one of the important office-bearers of RSS who deposed before the Commission very expressly stated that every time the *Dharam Sansad* gave a call, the RSS supported it. He also said that a large number of

Swayamsevak went to Ayodhya as *Karsevaks* and some of them even became martyrs and wounded. He also very expressly stated before the Commission that there was conclusive proof that there was a temple dedicated to the incarnation of God, Lord Ram which existed in Ayodhya and that he had thrown his lot with the karseva in totality.

109.26. The Kendriya Karyakari Mandal of the RSS in its report after the takeover by Raju Bhaiyya, described the national scene as “a historic opportunity of all lovers of *Hindutva* and the Sangh Swayamsevak in particular to rise to their full height of dedicated, disciplined and sustained efforts and overcome the anti-*Hindutva* challenges in every field.

110. The commonality of thought

110.1. The teaching of Veer Savarkar, Dr. Hedgewar and Guru Golwalkar form the matrix and the philosophic foundation on which the entire edifice and the architecture of the Sangh Parivar's thought process has been constructed. This thought process is germane to all the constituents of the Parivar. In the deposition before the Commission, Sakshiji Maharaj has clearly stated "according to me Sangh Parivar represents *Rashtriya Swayamsevak Sangh* and all its constituents. This *Sangh Parivar* worships the unity of the country (*Akhand Bharat*) and not of any idol or statue of Hindu. RSS undertakes the tasks which even the Government fail to perform". Similarly Sakshiji Maharaj stated "I know VHP is a registered society and Bajrang Dal is one of its associates. Bajrang Dal is a force (Sena) of VHP and its duty is to protect the Hindu religion. It helps in enforcing the policies of VHP". Here it can not only be inferred but it is also claimed that the Bajrang Dal acts as the militant wing of the VHP. Its usage is obvious from the above statements. It is an admitted fact that Bajrang Dal members were wearing yellow bands in all the congregations prior to the demolition. Sakshiji Maharaj has also said that Sewa Bharti and Shiksha Bharti are constituents of RSS. In a very significant statement, he also says that VHP is not the constituent of RSS but RSS is the torch bearer or path maker of VHP. Vishnu Hari Dalmia who deposed before the Commission admitted that the Sangh Parivar is a very loosely constituted term. For the sake of convenience, the media has been calling it Sangh Parivar. But in actual practice, all these organizations are

independent organizations even though they may be drawing their inspirations from RSS.

- 110.2. To a question, in what manner the VHP draws inspiration from RSS, Vishnu Hari Dalmia replied “the objective of the RSS is also the same like ours”. Therefore, we interact and know their programmes, their ideas and try to work out a common programme. Moreover, when questioned to what extent the VHP shared a commonality of approach with the RSS on the Ayodhya issue, he clearly stated that there is no difference of opinion on this issue. Uma Bharti in her deposition in the Commission when asked about her views on the *Ram Janambhoomi* movement clearly admitted “*I was always of the view and I am of the view that a temple should be constructed on Ram Janambhoomi. My view always has been and still remains, that the dispute about the land in Ayodhya can be resolved through the Court and everybody should respect and accept the decision of the Courts. But the issue of sentiments is beyond resolution by the Court.*” MM Joshi who was President of the BJP at the time of demolition admitted in his deposition before the Commission that he owed allegiance to the RSS and his formative years in political activity from 1944 onwards were spent in the RSS. Hence, it can be safely concluded that all senior leaders of the BJP have an RSS connection and have been ideologically influenced by the RSS in their thinking and actions. Uma Bharti who was a prominent BJP leader and was always very active in the events leading to demolition wholeheartedly supported the movement and the role of the BJP throughout her career.

110.3. The BJP, VHP, Bajrang Dal all owed allegiance to the RSS and made the *Ram Janambhoomi* issue with its religious appeal to gain entry into the minds of the majority of Hindus and to weaken their resistance to communalism. The attack on secularism and secular parties and groups by calling them pseudo-secular and charging them with minority appeasement also as disoriented many middle class thinking persons. The leadership of the RSS and BJP knew very well that religious and communal appeals alone cannot bring them into full political power in the vast and diverse country like India. Hence, to acquire the necessary political legitimacy and to lead the nationwide and countrywide movement and to acquire dominant position in Indian politics, the BJP, VHP and the RSS had therefore, to take recourse to a more wider principle and appeal to the threat to the nation i.e. nationalism. It had to give its policies and objectives a national grab and a national identity. Identity politics was considered to be a means for acquiring power. They knew religious and communal appeal also would not get them power and legitimacy at higher level; recourse to wider principles and appeal to nationalism was needed.

110.4. This was a thin covering or a veneer used for confusing issues and presenting reality in their own way. It was as a matter of fact a determined effort to obfuscate real issues by presenting a false threat to the Indian nation. The BJP and other allies, therefore, had to argue that they were not only working for the interest of Hindus alone but much more they were protecting and guarding the Indian nation or defending Bharat Mata. They also portray the Hindus as the only guardians of Indian nationalism and the national interest.

A natural corollary is that it is only the Hindus who are the real nationalist while the Muslims, Christians and other minorities are portrayed as traitors and anti-national.

110.5. This objective can only be achieved by following the principles of *Hindutva* and it is argued that to save the *Hindutva* is synonymous with nationalism. The RSS, Sangh Parivar and the BJP along with their allied parties and groups exploited the fear, insecurity and anxiety amongst the masses. They put forward the theory that only *Hindutva* is the saviour. KS Sudershan during its march before the demolition had said, “the laying of bricks for the Shilanyas of *Ram Janambhoomi* temple was not merely a matter of a temple; it was symbolically, laying the foundation of this *Rashtra* (nation).’ He compared the Shilanyas with the ‘dismantling of the bricks of the Berlin Wall’. Similarly, according to Ram Swarup, a major RSS ideologue, the Shilanyas ‘marks a second phase and perhaps a more important phase of India’s recent struggle for independence’. Reporting on the Jaipur session of the BJP held in February 1991, the Organiser correspondent reported that it was decided to ‘widen the scope of the (Ayodhya) campaign by juxtaposing Ram with Rashtriya (nationalism)’. Atal Bihar Vajpayee told the VHP rally of the 4th April 1991 that the construction of the temple at Ram Janambhoomi was necessary because national honour had to be restored.

110.6. All the above evidences clearly go to show and prove that all constituents / members of the *Sangh Parivar* were acting in unison in executing a plan of action which was well-defined by them. The most important catalyzing event or activity was the *Rath Yatra*, by means of which the people’s passions

were aroused and which led to anger and frenzy. This translated into slogans resulting in demolition. The depositions before the Commission have clearly indicated that all persons while denying the fact of demolition were actually committed to it. When they say that Ram Temple should be constructed and it is a matter of faith it is obvious that only demolition could yield the result of construction of Ram Temple. The BJP particularly gave it meaning, shape and a new dimension and led the movement after the Palampur Resolution and fulfilling this objective.

- 110.7. When the flames of intolerance are being fanned by some sectarian groups, one is reminded of what Asoka said 2,300 years ago: *“He who does reverence to his own sect while disparaging the sects of others wholly from attachment to his own sect, in reality inflicts, by such conduct, the severest injury on his own sect.”* The arguments for secularism in the sense of symmetry and equidistance have a long history in India, and they have stood their ground despite the presence of much military confrontation and sectarian violence over thousands of years.

111. The genealogy of the *Sangh Parivar*

- 111.1. The patriarch of the family referred to as the *Sangh* was undisputedly the RSS. The testimony of the witnesses before the Commission leaves no room for doubt that the RSS was not only the chronological predecessor of the other members of this *Parivar*, but retained this preeminent position throughout, and at least on the 6th of December 1992.
- 111.2. The various other members of the family were brought into existence as and when a specific need was felt for a niche organization to address a particular interest group. The *Dharam Sansad* for instance, was an association formed to address and encompass the community of *Sadhus* and Sants. Those *Sadhus* who may not have otherwise joined the political party BJP or the militant *Bajrang Dal*, were at ease in this particular organization and were able to use it as their own forum. The *Sant Samaj* was thus an independent and autonomous entity formally, but was essentially a strategic ploy to encompass a non-traditional class of people into the *Parivar* juggernaut.
- 111.3. Various organizations and associations were constituted according to the expediency and the need of the parent organization to serve its particular interest. In one of such endeavours, the VHP organised an association of Sants and *Sadhus* named *Dharam Sansad* to whom the decisions for various programmes during the course of temple construction movement were attributed. The VHP itself became the executor of the orders of the said *Dharam Sansad*. There is no gainsaying that in India, where the education is

still to take its root, people are more religious minded and have a blind faith in Sadhus and Sants and recluses. Their sayings are taken as the gospel truth and followed in letter and in spirit. The organizers of the movement were well conversant with the psyche of the common man and exploited it liberally. In totality of the evidence, one can observe that it was used as a ploy to motivate and mobilise the more religious minded Hindus for the temple construction at the disputed site or participating in the movement and for securing their political support for the BJP. It finds corroboration particularly when no Sant or Sadhu of national repute or otherwise participated in any negotiation relating to the construction of the Ram temple at the disputed site.

- 111.4. These ancillary organizations provided cadres from which Hindus could be awakened, nurtured, organised and united to achieve the objects of the RSS and from where recruitment could be made to the primary and parent organisation. However the *Parivar* made the most intelligent and scientific use of this strategy and succeeded in assimilating within it the most diverse and most unlikely of bedfellows. The success of the strategy which had been initiated and followed for decades was predominantly responsible for catalyzing a local-level disagreement into a national issue within the shortest possible time. The highly structured *Sangh Parivar* was able to subvert not only the entire state machinery, but also able to install its own government, headed by leaders from the BJP who were publically acceptable to the majority of Hindus. The diverse membership was also able to forestall any

effective and timely intervention from any specific quarter or grouping of society.

111.5. The cleavage wrought by the *Sangh Parivar* was not only religious (i.e. between the various communities) or political (i.e. between those affiliated to different parties) but extended to even other classifications. The *Sangh Parivar* systematically had infiltrated almost every sphere of life and was quick to spot opportunities to establish further entities which appeared most attractive to the disenchanted or the disillusioned section of any existing group.

111.6. Even those who were disenchanted or disillusioned by one member organization of the Sangh Parivar or otherwise could easily be accommodated in another grouping or organization or in other institutions controlled or administered by them, and thus prevent a leaching of the Parivar's membership.

111.7. If a leader was affected and disheartened by the unavailability of a particular office or prominence in one organization, he was "transferred" to another organization where his aspirations and desires could be more easily accommodated. Members of *Parivar* organizations also found themselves shuffled around after their strengths and appeal to specific segments of society had been identified.

111.8. Many RSS cadres found themselves reassigned to the BJP or the VHP or to other entities over a period of time given their strengths and weaknesses. Those who were perceived as more acceptable as the public face of the Sangh

Parivar found themselves gravitating towards the BJP which was being projected nationally as the political alternative to the Congress party, and being groomed for public office; those who were more militant or whose rabble-rousing skills were capable of better exploitation elsewhere were slotted elsewhere.

111.9. It would not be inappropriate to recall the statement of Acharya Giriraj Kishore⁴⁸⁷ who, when specifically asked about the commonality or affinity between the RSS and the VHP, answered that in fact the RSS was responsible for moulding the personality of the person, who would then choose his own sphere of work. The RSS was thus admittedly the *de facto* training ground from where the persons emerged in order to join that member of the *Sangh Parivar* which they most felt aligned with.

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112. The *Swayam Sevak*s

- 112.1. Member of the RSS are known as *Swayamsevak*. The RSS *Swayamsevak* are required to swear an oath “[...] for the betterment of Hindu religion, Hindu culture, Hindu community [and to] serve RSS faithfully, to the oath throughout the life”.
- 112.2. It may be specifically noticed here that the entire membership of the *Sangh Parivar*, from the street member to the Chief Ministers of BJP governments had sworn this oath at the time of joining RSS.
- 112.3. In his book “Bunch of Thoughts,” Golwalkar expressed the perception of a threat from the Muslims and observed, “[*that*] it cannot be denied that Muslims of India are praying for Pakistan”. It is being followed and preached amongst the common men and in the streets by the cadre of the RSS and Shiv Sena etc. This is also asserted by the leadership of the Shiv Sena in their public meetings.
- 112.4. It was admitted that organizations spearheading such movement included the *Vishwa Hindu Parishad* (VHP), an organization which had been established for the spread of Hindu philosophy by “awakening” Hindus, uniting and organizing them not only throughout the country but also internationally.
- 112.5. KS Sudarshan accepted that RSS was a partner in all efforts leading to fulfilment of the goals of the entire Hindu society. He accepted that there had been no change in RSS philosophy since the days of its formation.

Though the RSS leadership has been at pains to deny the political nature of the association they accepted that the Ayodhya movement was political as well as religious, and they supported the movement.

112.6. Acharya Giriraj Kishore, testified that the aim of the RSS was to build the character of a man who was engaged in bringing the change in society. He admitted himself to be a member of RSS

112.7. KS Sudarshan stated, “RSS wants to bring about the all-round development of the nation and for that, the proper cadre is trained by the RSS. Thereafter some of them, according to their particular aptitude, go to areas of social life, study the problems and find solutions according to Hindu view of life. In order to execute those solutions, they created the appropriate organizations in those fields, which were autonomous. The organizations have own constitutions, office bearers and their own field of activity. He however admitted that they did occasionally exchange notes, and on specific issues cooperate with each other. He included organizations like the VHP, *Vidyarthi Parishad*, *Bharatiya Mazdoor Sangh*, *Banvasi Kalyan Sangh*, *Vidya Bharti*, *Bharatiya Kisan Sangh* and others to be some such organizations founded or being run by the ex-RSS cadres. He went to some length to testify that the RSS had got no control over these organizations, but exercised strong moral authority over them.

112.8. Kalyan Singh accepted KS Sudarshan version of the relationship of the RSS with other sister organizations. He also stated that it can be said that RSS has

functional control over the bodies created by it which were affiliated to the RSS.

112.9. In response to a query on who deployed the RSS cadres, he stated that, “[the] VHP took the decision and asked the divisional *Pratinidhis* to deploy the RSS workers, and it is they who identified the persons and deployed them.”

112.10. From the totality of above facts it can be said that RSS is an organization consistently gearing up itself to micro-level involvement in almost every sphere of activity of society which influences social life or political life or politics of the nation. In view of the training being imparted to its members, inculcating an attitude of militancy and preparedness for any kind of strife, it generates a sense of fear or insecurity among minorities or the ones who do not toe their line of thought or are opposed to it, and are in minority, especially the Muslims, Christians etc. Despite the RSS's promises and its leadership's repeated proclamations of being only a cultural body devoted to national upliftment, its true scope and nature is far more extensive and varied.

112.11. It has never been in question and has not been denied by anyone that the entire national leadership as well as the majority of the membership of RSS consists predominantly of Hindus. The organization was and is being run by Hindus on the strength of its belief in *Hindutva* as understood or perceived generally by the common man, and not for any other philosophical or larger benevolent doctrinal sense as sought to be contended by the leaders, or as held by the Supreme Court, i.e. defining “Hindu” philosophically or carrying

an uncorrupted meaning as understood by learned people as the way of life and it does not constitute any religion.

113. The hierarchy of the RSS

113.1. It may be useful here also to describe the hierarchy of the RSS as admitted and presented before the Commission by KS Sudarshan.

113.2. In his own words,

First is the national level. At the national level, Sarsanghchalak is the chief of the RSS. He is not elected. He is considered to be a friend, philosopher and guide of the organization. The top executive post is the Sarkaryavaha – the General Secretary who is elected every three years by the all-India representatives of the RSS. Then came the provincial representatives. They elect the Prant Sanghchalak and the Prant Sanghchalak in turn nominates the Sanghchalak at the divisional level, district level and other levels as well.

The Sarkaryavaha (General Secretary) appoints his Karyakari Mandal (the executive body). Similarly, the Prant Sanghchalaks also constitute their provincial executive body and it goes on to the lower level.

The executive body takes the decision, but if the decisions concern policies, it is ratified by the All-India Pratinidhi Sabha. At the provincial level, the decision is taken by the provincial executive and so on.

[...]From every 50 Swayamsevaks, one provincial representative is elected every three years. They form the Provincial Pratinidhi Sabha. From amongst every 20 provincial representatives, one central representative is elected and they form the Akhil Bharatiya Pratinidhi Sabha. All the three Sabhas are autonomous so far work in

their respective fields is concerned. Overall policy decisions are taken by the Akhil Bharatiya Sabha. They are followed by all the provincial and district Sabhas. But there may be some subjects or some issues which are particular to a particular province. There the Prant Pratinidhi Sabha takes the decision and, if they want, they can consult the Sarkaryavaha also.

- 113.3. There is nothing ambiguous or uncertain about the distinct hierarchy that the RSS has adopted and successfully followed for many decades now. The discipline reflected in the hierarchy is ingrained in the cadres as well, during their indoctrination and training and is the vital link that connects each current and former *Swayamsevak* to the mother organization throughout life.
- 113.4. It may be more apt to state that there are no “*former Swayamsevak*s”. A person who joins the RSS once, remains a member of the RSS whether actively, or passively by becoming a member of a *Parivar* entity or dormant by withdrawing from the active RSS activities but remaining on-call throughout his life. Nothing exemplifies this better than the Prime Minister who while holding that high office stated “I am first a *swayamsevak* and continue to be so.”
- 113.5. The RSS is at the top of the pyramidal *Sangh Parivar* and is thus acknowledged without exception by all the leaders and cadres of the *Parivar*. Attempts to distinguish one or the other entity from the *Parivar* or to suggest that it is not part of the overall scheme of the RSS are belied by the very fact that these entities are lead by and consist of RSS members.

- 113.6. While a detailed analysis of the membership status of each organization or each of the prominent individual would be logistically beyond the means of this Commission, a summarized table of the status has been derived purely from the statements and evidence on the record and reveals the extent to which the RSS has pervasive command and control over the entire *Sangh Parivar*.
- 113.7. Even those rare individuals who can claim not to have been indoctrinated by the RSS owe allegiance to it by virtue of being a member of a body directly answerable to and controlled by the RSS.
- 113.8. Even PV Narasimha Rao admitted that, *“It is a normal practice by political parties to have fronts and frontal organizations for different purposes. BJP had the facility of making use of these organizations at will wherein they feel that the particular organization amenable to its instructions would be useful for particular job and it is normal practice by political parties to have fronts or frontal organizations for different purpose. These frontal organizations do what would be asked of them to do which would be a reasonable inference, though may not be based on hard facts that RSS, Bajrang Dal, VHP have always been working together.”*

114. The pervasive command and control of the RSS and its guidance of the Ayodhya movement

- 114.1. The RSS was the major participant in the Ayodhya movement particularly since 1983 when it openly announced support, transforming the localized property dispute into a national issue and a threat to the Hindu way of life or to the Hindu religion as perceived by others.
- 114.2. LK Advani corroborated the RSS's exclusive control of the situation and admitted that strategy about Ayodhya used to be decided, by senior leaders of BJP and VHP in the presence of RSS leaders. He also stated on oath that he was never a party to the negotiations with the Prime Minister or the Central Government and was not even informed about the progress of the meetings or the matters discussed therein. It cannot be accepted as being contrary to the basic human nature and the anxiety to remain in touch with the happenings in which one is involved.
- 114.3. The official assessment, as stated by DB Roy in his statement on oath, is that the BJP, VHP, RSS and *Bajrang Dal* are the same. Most of the office bearers of VHP are from RSS. The RSS and Hindu Mahasabha were doing the same job through different institutions. Their *inter se* relationship is that they raised voices against excesses on Hindus.
- 114.4. RSS *Swayamsevak* or office bearers at some point or the other having taken an oath to serve throughout their life were the prominent leaders of VHP.

Reference may be made to the statement of Paramhans Ramchander Dass, Ashok Singhal, Acharya Giriraj Kishore, Vinay Katiyar, Uma Bharti, etc. Even Atal Bihari Vajpayee, L.K. Advani accepted that they are first Swayamsevaks, then anything else.

114.5. Mahant Avidyanath conceded that he and some others had become legislators on the BJP ticket, which is a political party. He admitted that at first the Hindu Mahasabha was established, and then RSS came into being with *para materia* object as of *Hindu Mahasabha*. He stated that there is no difference between RSS and Hindu Mahasabha in as much as their objects and principles are the same; they are only different organizations in existence. DB Roy⁴⁸⁸ accepted that the object of Hindu Mahasabha is to unite Hindus of the world, which is one of the objects of RSS also. I may add to this that the same is one of the objects of VHP, BJP and Jan Sangh too. Mahant Avidyanath CW31 admitted that he is an RSS worker though a legislator on BJP ticket. He further corroborated that Kalyan Singh too was a RSS worker. He stated that since we are members of BJP and the workers of RSS consequently VHP used to support BJP and push it up politically apart from there being personal relationships⁴⁸⁹.

114.6. The BJP constituted as a political party, successor of Jan Sangh after Janta Party formed Government with the support of the Jan Sangh in 1977 at Delhi. There was no difference in the philosophy or thought process or the object to attain by the Jan Sangh as then floated and present BJP.

⁴⁸⁸ CW7

⁴⁸⁹ See statement of Mahant Avidyanath (CW31) and DB Roy (CW7)

- 114.7. BJP and Shiv Sena are political parties. They are the forerunners to contest the election amongst the protagonists or the supporters of the construction movement, so-called *Sangh Parivar*. It was recorded in a note admitted by R.N. Srivastava that a call for *Karseva* was used to be given by Hindu organizations like VHP etc while political parties like BJP decided to give political support to it.
- 114.8. Ayodhya was one of the most suitable places to launch political campaign especially for garnering votes of Hindus, a particular sect of society. Several hidden organizations used as cover for political hidden achievements in vote bank politics. *Sants* and *Sadhus* were involved in the name of religion. Paramhans Ramchander Dass accepted that it was difficult to separate the movement from politics and the BJP was the only party, which has been supporting the movement.
- 114.9. BJP brought about a mass movement in existence, which even they themselves could not control on the eventful day. There cannot be two opinions as the evidence disclosed that even LK Advani with incredible magnetism and charismatic effect on the crowd could not break the sentimental religiosity aroused earlier.
- 114.10. It may be observed that there is an overall strong feeling among quite a large section of the society that BJP is the only major political party looking after the interests of the Hindus. It was consistently proclaimed, as referred in my report and of the other Commissions, the decisions of the courts, the proclamation by the BJP, if not of the main leadership at least second rung

and the grass root workers that the BJP is the only major party which looks after the interests of Hindus.

114.11. From preponderance of evidence, it emerged patently that the core group, like Ashok Singhal, Vinay Katiyar, Kalyan Singh, Paramhans Ramchander Dass, Giriraj Kishore etc and other peripheral participants like Acharya Vamdev, Acharya Dharminder Dev used to take decisions jointly or severally about the movement, though the presence of the hidden hands of the top echelons of the RSS, icons of the movement in decisions of policy or otherwise cannot be doubted. The decisions passed were used to be expressed in the name of various institutions or groups of individual floated with various names or the one floated for that particular object. Various institutions used to be asked to act on it by RSS, or VHP, or BJP, and Shiv Sena, etc or their institutions like the Ram Janambhoomi trust, *Dharam Sansad*, *Marg Darshak Mandal*, Ram Janambhoomi Mukti Yajna Samiti, etc. It can be said that predominantly all decisions used to be taken by the same physical persons in the name of various institutions floated or the Sangh Parivar under and in the presence of the RSS leadership. It is only the formal decisions which used to be declared and then attributed by the institution according to the expediency and need of the times.

114.12. RP Mathur, DGP in a communication to Home Secretary as far back as on 7th of January 1990 informed about the resolve of starting construction programme and mobilizing of *Sadhus* and *Bajrang Dal* workers at Ayodhya for proposed construction by RSS, BJP, VHP and *Bajrang Dal* with various

sacrificial, suicidal squads to be raised which put a challenge to the administration⁴⁹⁰.

114.13. In a meeting on 20th of July 1992 attended by LK Advani, Kalyan Singh, Ashok Singhal, HV Sheshadri, MM Joshi, Rajmata Scindia it was emphasized on the Central Government to take initiative for dialogues between the two parties.

114.14. LK Advani said, senior leaders of VHP and BJP in presence of RSS leaders used to decide strategy about Ayodhya. On 23rd of July, Ashok Singhal, LK Advani, Murli Manohar Joshi met at RSS headquarters when *Sadhus* came to meet the Prime Minister by the time considerable part of the Chabutra had already been built as stated by KS Sudarshan CW 18. It would be reasonable to infer that the meeting was to direct or guide the *Sadhus* and *Sants*, as to what they were required to do in the meeting with the Prime Minister. There is no specific evidence pointing out as to what transpired in the meeting. The proceedings of the meeting were not disclosed despite the fact that participants of the meeting did appear as witness and Ashok Singhal accepting that the proceedings are with the VHP and would be produced which were never produced. It further lent support to the statement of Prime Minister PV Narasimha Rao who stated that the names of the *Sadhus* and *Sants* with whom he was supposed to interact or negotiate given by the BJP leadership.

⁴⁹⁰ Refer to file number 200(4)/D/90.

114.15. In meeting held at RSS headquarters at Delhi between RSS, BJP and VHP on second of November 1992, a decision was taken that time had come to reset the political agenda of the nation. Various options on Ayodhya issue were discussed and finalized. In the meeting LK Advani, MM Joshi, VH Dalmia, Ashok Singhal, Badri Nath Toshniwal, Sunder Singh Bhandari, KS Sudarshan and Khushabhau participated. The meeting reported in “The Telegraph.” KS Sudarshan admitted that the proceedings and decisions thereon were recorded and are available in the office of the RSS. He undertook to produce them but never did, till date. The contents of the report and the meeting were neither seriously disputed, nor in cross-examination even a suggestion was put that the facts reported are incorrect.

114.16. AB Vajpayee, LK Advani, Rajmata Vijay Raja Scindia, MM Joshi, Sikander Bakht, Sunder Singh Bhandari and Shanta Kumar held a meeting. Assessed the prevailing situation in the country and issued a statement, “The Government of India must understand that it cannot stand between the UP Government and its sacred mandate ... and warned of doing anything that will excite passions and disturb peace”. It congratulated the UP Government for removing the obstacles. The Shiv Sena too appreciated the steps taken by Kalyan Singh to achieve to the object of temple at the disputed site. Moreshwar Save wrote a letter to the same effect to the chief minister Kalyan Singh.

114.17. LK Advani admitted that BJP views were given due cognizance by *Sants* and VHP, though it did not exercise any veto and there were interaction between the BJP, RSS and VHP leadership. He admitted that Ayodhya strategy used

to be finalized by senior leaders of VHP and BJP in the presence of RSS leadership. He stated that he believed BJP leadership was interacting with the UP State Government, which in turn would be having discussions with people on the spot at Ayodhya. It was not disputed that on occasions leaders of the movement of this kind take their own decisions with which those in authorities and those running the movement may not fully agree.

114.18. One can conclude from the various meetings, reports and the participant's participation in the meetings that in fact, RSS, BJP, Bajrang Dal and VHP were the major actors or participants in the whole movement. This was denied by the Shiv Sena. As I have observed earlier BJP, in pith and substance, can be termed as a political wing of RSS. I may observe that the senior leaders accepted the fact that strategy used to be finalized by the senior leaders of VHP and BJP in the presence of RSS leadership. There cannot be any dispute that the movement acquired momentum only after BJP had resolved to support it openly. BJP's support to the movement was consistent with their ideology.

114.19. Shamsher Singh⁴⁹¹ observed⁴⁹² that the "objects and aims of BJP and Shiv Sena are the same, but their ways are different". I may too observe that the objects of RSS, BJP and Shiv Sena are similar. NC Pandhi⁴⁹³ pointed out that it was BJP Government and its police and administration who allowed deploying RSS workers for organizing *Karsevaks* for *Karseva* at Ayodhya.

⁴⁹¹ CGW30

⁴⁹² in exhibit CGW 30/29

⁴⁹³ CGW32

114.20. Acharya Giriraj Kishore disclosed that the object of the movement was to establish government in Delhi. The purpose of it was getting help to liberate shrines. There were high-level conclaves directing themselves drawing contours of BJP offensive and Sangh goodwill, to ensure support for BJP success in election.

114.21. I am not required to deal with what happened after the demolition. But subsequent events do throw light about the state of mind of organizers' or the leaders' passion for the temple construction movement and provide the means to unfold the reasons and intentions behind an event. Before its demolition, the leaders like Ashok Singhal and Acharya Giriraj Kishore etc had been in unequivocal term declaring and propagating and claiming that they were clear about their motives that they wanted to install the Government in Delhi who would help liberate the shrines. One can conclude that VHP and other allied parties, or frontal organizations had a designated role to keep the religious cauldron on the boil. Thus, the *inter se* relationship was interwoven or intermingled, which led them to support and strengthen the BJP, the political party, for governance. Majority of Muslims, a minority community, perceive BJP as a Hindu communal party. Even on bare facts, one cannot deny that the movement had led a considerable benefit to BJP in attaining its political objective. The psyche generated by word of mouth supported by absence of any effective deterrent action by administration or the police on the earlier occasion/incidents, emboldened the *Karsevaks* to run the spree of destruction and demolition with impunity and fearlessly with a feeling of aggrandisement that their act was heroic act.

114.22. RSS is a tightly structured organization with BJP as its political wing. They are extraordinary men, whose ability has been continuously underestimated. They hold high hopes from the political patronage or party in power. This is a country where kinship ties far outweigh institutional loyalty. *Karsevaks* were acting with increasing xenophobia of temple by self-styled religious peer's promise to get heaven to them. Ministers had not realized that they are for all, cannot be just for their friends, caste-fellows or believers in a particular religion. New schisms were beginning to emerge. Nobody wanted to stop the movement or control the gulf between two religions before it grew feathers. It was well motivated because it has clear precise goal to take power in the country.

114.23. The *Sangh Parivar* in fact is a cartel of organizations, political and otherwise, which has a predetermined agenda. Its so-called religious movement converges into a political agenda.

114.24. RSS's object, as observed earlier, is to organize and unite Hindus Bangaru Laxman, ex-President of BJP said 'Hindu is in built in party ---- BJP is wedded to it'. He acknowledged that among the issues that dominated was the Ram Janambhoomi agitation, which played a major role and it being to be a religious issue of Hindus. Even the oath administered by the RSS refers to Hindus as a Hindu religion though Hindu cultural, Hindu community added to it. BJP resolution represented Hindu point of view, as is the case of VHP. RSS object, "For betterment of Hindu religion, Hindu culture, and Hindu community -- Serve RSS, faithfully to the oath throughout life."

114.25. The role of BJP limited only to mere support to the movement as was being attempted to be put forth according to suitability by the witnesses during the course of their statements, particularly in view of the undisputed facts culled out above cannot be accepted. The BJP had become an active partner in the organisation of the mobilisation. Sanjay Kaw corroborated them stating “the chief of BJP Youth Morcha was giving forms which were being distributed at various places like Ambedkar Nagar, Shankar Market, etc and thereafter a *Parichya Patra* was given on BJP letter head with photograph being issued by RSS. They were housed at a distance of 300 meters from temple, only after the RSS Pracharaks being satisfied that one is allowed to stay in tents” It was accepted by SP Gaur Commissioner Faizabad that the organizers were allies of the political party in Government at State level, and they could convey their voice about the issue concerned.

114.26. From the totality of the circumstances and facts and various statements given before the Commission, it is clear that there is no perceptible difference of opinion or conflict between the agenda of BJP and that of RSS, relating to Hindu religion, organized Hindu religious society, and constituting of Hindu Rashtriya or Hindu Nation even if it is accepted to be not a puritan state. The impression created in the context of Ayodhya issue, which undoubtedly converged into the political issue that word Hindu referred to Hindu as religion. Leaders like Vinay Katiyar quoted Savarkar to the effect, “You behave as if you are living in a country with which you have no concern, just as travellers live in a wayside inn for a few days and go away.” And he stated ‘we pay taxes, they spread dirt, we clean it’

114.27. Some of the witnesses stated that the second rung leadership of BJP demolished the structure. Nothing remains to imagination, as there is no doubt they were Vinay Katiyar, Laloo Singh, Braham Dutt Dwivedi, Shakshi Ji Maharaj, Sharad Sharma of VHP, Shri Chander Dixit, SP Shahi minister for state Home, Surya Krishan, Swami Chinmayanand, Swami Vam Devji, Uma Bharti, Vijay Raja Sindia, Uma Nath Singh Minister, Abhya Ram, Acharya Dharmendra Dev, Acharya Giriraj Kishore, Akshay Ram Dass, Anil Kalia, Anil Tiwari, Arvind Kumar Std Army, Ashok Dawra, Ashok Singhal, Aavidhyanath, Baikunth Lal Sharma MP, BB Toshnival, Champat Rai, Charan Dass, Giriraj Kishore, Govinda Acharya, H V Sheshadri, Inder Singh, J DN Aggarwal, Jai Bhagwan Goyal, Jai Bhan Singh Pawaria of BD Ayodhya, KS Sudarshan, Kalyan Singh Chief Minister, Lallu Singh Chauhan, Laloo Singh, Mahant Aavidhyanath, Mahant Nritya Gopal Das, Mahant Paramhans Ram Chander Dass, Makhoo Singh, Mata Pershsad, Morpanth Pingale, Nirtay Gopal Dass, Om Perakash RSS, Onkar Bhava, Parmod Mahajan, Parshotam Narain Sigh, Parveen Togadia Pawan Kumar Gupta, Pawan Pandya Rajendra Gupta, Rajinder Singh Pankaj-Saharanpur, Ram Khatri, Ram Krishan Agnihotri, Ram Murat Sharan, Ram Pershad Tiwari, Kalyan Singh Chief Minister, Lallu Singh Chauhan, Laloo Singh, Mahant Aavidhyanath, Mahant Nritya Gopal Das, Mahant Paramhans Ram Chander Dass, Makhoo Singh, Mata Pershsad, Morpanth Pingale, Nirtay Gopal Dass, Om Perakash RSS, Onkar Bhava, Parmod Mahajan, Parshotam Narain Sigh, Parveen Togadia, Pawan Kumar Gupta, Pawan Pandya Rajendra Gupta, Rajinder Singh Pankaj-Saharanpur, Ram Khatri, Ram Krishan Agnihotri, Ram Murat Sharan, Ram Pershad Tiwari, Romesh

Pertap, Sadhivi Ritambra, Satish Perdhan Shive Sena MP, Sharad Sharma of VHP, Suresh Kumar, Surya Krishan, Surya Partap Singh, Surya Pertap Sahi, Uma Bharti, It further finds corroboration when admittedly they demolished Sankat Mochan temple, etc in October 1991⁴⁹⁴.

114.28. It can be said man cannot be severed from his thought or philosophy, inculcated or imbibed in him, irrespective of his status or party affiliations, or organizations for any micro-purpose he may join. Even the election manifesto carried one of the aims of BJP coming in power to construct temple which was the object of RSS. It categorically means that BJP imbibed RSS's object in its election manifesto. It can be even said that it may be with an object of ensuring VHP, RSS and other protagonists of movement's support at the hustings.

114.29. BJP in order to revamp itself, appointed Pracharaks of RSS as honorary and organizing secretaries, which provided a new synergy between RSS and *Sangh Parivar*.

114.30. BJP rejected the territorial nationalism in favour of cultural nationalism in consonance with the RSS thought. LK Advani stated that BJP's participation in the movement was aimed at strengthening the concept of nationalism which he believes to be essentially cultural nationalism and not just geographical or political nationalism, which is *para-materia* with the concept of the nationalism of RSS. He accepted the definition of Hon'ble Supreme Court on *Hindutva* as being a way of life or a state of mind, not necessarily

⁴⁹⁴ See file number 20.200/87/D/91.

confined strictly to Hindu religious practices. Be that as it may, even the common person correlates the Hindu or *Hindutva* with Hindu religion and not a way of life. LK Advani emphasized, “Indian nationalism is a cultural nationalism and has been the silken bond of culture. The silken bond of culture can be named as Bharatiya, *Hindutva* and Indianness which, in fact, are synonymous”. Taking the statement to a logical end that *Hindutva* is synonymous with Bharatiya or cultural nationalism referring to the oath; it can be inferred to be Hindu as religion.

114.31. Temple construction movement admittedly had all the making of political campaign. People rallied around charismatic leaders of national stature like LK Advani and Murli Manohar Joshi who became the icons of the movement while others acquired a national fame. There is no doubt of their association with RSS.

114.32. The religious leaders like Paramhans Ramchander Dass not only constituted *Bajrang Dal* but also created political leaders like Vinay Katiyar from RSS and absorbed them into BJP, Swami Vamdev blessed Uma Bharti who too belonged to BJP and simultaneously was in VHP. Similarly main figures guiding the movement like Vijay Raja Scindia, Acharya Giriraj Kishore, Ashok Singhal, Braham Dutt Divedi, S C Dixit etc were part of RSS, and simultaneously of VHP, or BD, or BJP. In fact it is impossible to segregate the organizers representing particular organization, be at any level. It can safely concluded, all or at least majority of them were or are associated with RSS. All the leaders of the movement were condescends by RSS like their

son. All have been the known leaders or the officer bearers of BJP at one point of time or the other were part and parcel of the RSS.

114.33. It is a common knowledge that the Governor of Rajasthan reported that the Government of Rajasthan had played an active role in the Ayodhya incident of 6th of December 1992 and even its legislators had participated in the movement. He said though CM agreed to implement the ban on the VHP but put a question mark when he said, “Leaders of BJP took out *Rath Yatra*, exhorting *Karsevaks* to reach Ayodhya. BJP Government unleashed religious propaganda often since aimed at belittling Muslims.” He reported that the BJP was exercising control over the RSS, VHP and the Bajrang Dal leadership. It was found in SR Bommai’s case that 22 MLAs and 15,500 BJP workers from Rajasthan had participated in *Karseva* to a whom royal send off and reception was given by the then influential people of BJP party who were managing the Government. Specific reference is to admission of the Chief Minister heading the BJP Government being a member of the RSS. It was further found that BJP was acting in consultation with VHP and RSS. Om Parkash, a RSS leader also attended the meeting. A warning was issued to the Central Government that any confrontation would provoke an unpalatable response because of their preparedness for the worst. This fact⁴⁹⁵ and the newspaper report were never challenged nor denied nor any witness has ever been cross-examined with respect to it; rather the report was accepted to be substantially correct.

⁴⁹⁵ reported in DW-10/1 in *The Times of India* newspaper

114.34. Justice P Madan in one of the Commission's report, enquiring into Trichapalli's riots, that it was said that "*Jan Sangh is the political wing of RSS and RSS is the military wing of Jan Sangh*". DB Roy said, "*BJP, Bajrang Dal and RSS are the same. Most of the office bearers of VHP are from RSS, VHP, RSS, and Hindu Mahasabha are one, and their inter se relationship is that they raise voice against excesses against Hindus*". It may be observed that the statement qua *inter se* relationship of raising voice for Hindus is an afterthought and crude attempt to explain the clear admission by a local SSP, about his understanding about the participating parties in the movement.

114.35. Even Acharya Giriraj Kishore qua *inter se* relationship of VHP & BJP observed that political party is aimed to govern and therefore they support for the political gain "There is *inter se* relation between VHP and BJP, while political parties have only one school of thought, that is governing while the VHP is far away from governing". He further said that there is no interaction between VHP and BJP. Officials never met. *Inter se* relationship is that some members of VHP are that of BJP and RSS. Some members of RSS are with BJP, some members of BJP are with VHP. They are in personal relationship. In my considered view by bearing a different name or legal entity it does not become a different entity for practical purposes when particularly it is constituted of predominantly by the same persons. Legally speaking they may not be interlinked or the same person but for all intents and purposes practically it would be the same party from which they have grown. They would carry the imprint of same thought or philosophy though they may adopt different means to achieve the same end.

In my considered view, in totality it cannot be accepted that the VHP is far away from governance or there was or is no interference between the BJP and VHP. In fact, all logistical arrangements were worked out jointly by the VHP, BJP, RSS etc.

114.36. Mobilization of the *Karsevaks* if not earlier at least since 1990 was carried out by BJP. In terms of LK Advani, the symbolic *Karseva* and mass movement are neither exclusive nor contradictory. L.K. Advani explained that in the month of November we were hopeful that the Government of India will appreciate our desire for an early decision of High Court; *Karseva* would be actual and not just symbolic. The mobilization for *Karseva* had been going on and there were no proposal of stopping it. He said, that *Karsevaks* were exhorted to converge to Ayodhya for *Karseva* for construction of temple. He further stated that after 2 days *Karsevaks* told, not to go to Ayodhya because of the large crowd already gathered there. He stated BJP has a large galaxy of leaders and work distributed among them after taking into consideration as to who was more effective. MM Joshi and LK Advani deputed for mobilization. He stated that Rath Yatras have specific significance in the Indian religious environment on the psyche of Hindus. BJP developed it as a means for mass contact, mass mobilization and mass education. He further admitted that communicating the message of nationalism through religious idioms is more effective and transmitted to wider audience. Undisputedly VHP, RSS, BJP and the *Sadhus* and *Sants* were exhorting the people to go in large number, so were LK Advani and Murli Manohar Joshi. I may observe that people were being exhorted to go for *Karseva* in large number, be it by

VHP, BJP or RSS or by individual without there being any centralized control on the mobilization. The State Government specifically ruled by the BJP too participated in mobilizing the *Karsevaks*. The State had noted in 1992 in its record that BJP, VHP, RSS and *Bajrang Dal* did not want the campaign to run out of steam⁴⁹⁶ as it was needed for the electoral success of the BJP.

114.37. The mobilization of the *Karsevaks* by the State Government of UP is writ large. the then Chief Minister Kalyan Singh called an emergency meeting of the Ministers and MLAs to mobilize the *Karsevaks* in UP, and asked them to send at least 10 *Karsevaks* from each gram sabhas, totalling 75000 *Karsevaks* thereby sending 7,50,000 *Karsevaks* to reach Ayodhya. Despite the contradictory stand taken that legislators exhorted not to participate in the movement⁴⁹⁷.

114.38. The District Magistrate opined that VHP and *Bajrang Dal* are allied organizations of BJP.

114.39. Chief Secretary UP on 30th of September 1990 informed the Union Home Secretary that the call for the *Karseva* given by VHP, BJP, RSS and Shiv Sena, contrary to the theory put forth before commission that *Dharam Sansad* and *Marg Darshak Mandal* had given it. AK Saran, IG Lucknow Zone stated that calls for karseva given by VHP and BJP.

⁴⁹⁶ See file No. 15.200/51/D/92

⁴⁹⁷ See note in file No 15.200/51/D/92.

114.40. The District Magistrate came to the conclusion that the VHP and RSS had set everything for the success of the programme and they believed that in case of its failure Hindu organizations like the VHP, *Bajrang Dal*, BJP, RSS, Shiv Sena, Hindu Jagran Manch and Hindu Mahasabha, etc. would lose their identity in the politics of the country. It was in the context of the call of *Karseva* in September 1990.

114.41. Sunder Singh Bhandari visited Ayodhya to restore BJP's credibility and declared that Government had sanctioned a sum of 21 lakh rupees for construction of a wall around the temple. It was undertaken to assuage the feelings of VHP and *Bajrang Dal* who were getting impatient.

114.42. Acharya Giriraj Kishore admitted that BJP joined the movement to take political advantage of the situation. It was only on the BJP's coming out to support the movement that it acquired political complexion. He stated that BJP succeeded in its objective by sweeping the polls in the election in 1991. He attributed its success for their participation in the *Karseva* in 1990, taking out of Rath Yatra and making construction of temple as its election manifesto. The success of BJP in the election in various States was attributed to the election manifesto of construction of temple.

114.43. There can't be any dispute with respect to interchangeability of roles between the VHP, RSS, and BJP though legalistically these are different organizations. It cannot be lost sight of that the prominent leaders of VHP, BJP, RSS were none but the ones who had a RSS background. Most of them were simultaneously holding important offices in the respective parties, like

Uma Bharti, Mahant Avidyanath, etc. All aspirants of a political career in VHP or in any other organization supporting the movement in any capacity, contested elections for a legislative house as a BJP candidate.

114.44. All parleys and negotiations carried out by Prime Minister were either with the BJP or RSS or VHP leaders who were constantly in touch with each other. Undertaking with respect to security of the disputed structure at Ayodhya was given by the BJP Government to the National Integration Council as well as to the Supreme Court of India despite their not having attended the final meeting of the National Integration Council in November 1992, rather it was specifically boycotted by them.

114.45. BJP and other organizations and their activists gave out a virulent message through all means including the press that the Hon'ble Supreme Court orders would not be obeyed. It was reiterated before the Commission but under the veil and articulations by the top leadership or icons of the movement. The organizers of the movement and its fanatic leadership used to state contradictory things. The message was written large in slogans like "*Ram Lalla Hum Aye Hein Mandir Wahin Banayenga*" "*Saugandh Ram Ki khate hain, Mandir wahin Banayenge*" etc. It used to be said and declared that the directions of *Marg Darshak Mandal* or *Dharam Sansad* are binding and not of the Supreme Court. It used to be said and declared in public that the courts have no jurisdiction to determine the sensitive issue relating to Ram's birth in Ayodhya. Ashok Singhal, Vinay Katiyar, Acharya Giriraj Kishore stated that BJP used to assure *Kendriya Marg Darshak Mandal* that they would abide by their decision and not by the decision of Supreme Court which is inconsistent

with the undertaking given to the National Integration Council or to the Supreme Court by the Government Vijay Raja Scindia and Mahant Chinmayanand. BJP too covertly gave this undertaking, as Vijay Raja Scindia and Mahant Chinmayanand represented the party in Parliament apart from being the office bearers of BJP.

114.46. The facts are interlinked. One cannot interpret facts in isolation. It was a long series of events, facts, and circumstances, which culminated in demolition. VHP, *Bajrang Dal*, RSS, BJP and Shiv Sena provided the organisational *raison d'être*. This was used as a garb for *Karseva* which was the instrument or means for the demolition of the structure. It can safely held that the RSS acted like a chariot and the horses driving the chariot were all members of the *Sangh Parivar* specifically VHP, BJP and *Bajrang Dal*, etc. They all were acting in unison *for acquiring* political power though presented their object and aim as construction of temple. All wanted to earn a reputation of supporting the Hindu cause. All the leaders who appeared before *the commission* were unrepentant about the fact of demolition; rather they toed the line of middle rung leadership in glorifying it and projecting themselves as heroes for achieving the object of demolition. With their conduct they proved that the construction of Ram temple and the demolition of the disputed structure were their common objective of acquiring political power. From the fact that during the demolition, the idols were removed surreptitiously and later placed back in the makeshift temple corroborates this.

114.47. It may be said that the VHP under the control and influence of the RSS lead the struggle for construction of temple and acted as the spearhead and the provided blood, muscles and strength to the entire movement.

114.48. The lofty and noble connotation sought to be given to the term Hindu – that it is a way of life and a philosophical concept – is contrary to the commonly held perception and the meaning actively propagated by the Sadhus and Sants etc during the temple construction movement. The common view that was actively put forth was that Hindu refers to the religion. Pro-Hindu speeches by the so-called recluse Sants and Sadhus and others usually had anti-Muslim messages and comments. It bears reiteration that even the formation of the VHP was essentially for strengthening and consolidating the Hindu religion, protecting developing and spreading the Hindu values and taking over the Hindu institutions and promoting the Hindu religion. In totality, it would be reasonable to conclude that the word “Hindu” carried the corrupted meaning acquired and perceived as referable to the religion.

114.49. Acharya Giriraj Kishore one of the leading most figures in the VHP disclosed that the object of the VHP was to establish a Government in Delhi for the purpose of liberation of shrines. Himself a pracharak of the RSS, the Acharya became the Joint Secretary of RSS and the Secretary of VHP in 1983 and also organised the Ekta Yatra. He corroborated that VHP cadres consisted of RSS members though he stated that the RSS develops the member’s personality and the person himself selects his area of work, though “*we are all RSS workers.*” It is a well known fact that VHP leaders used to contest elections only on the BJP ticket and this was not disputed by any of

the witnesses during the course of the evidence. Sakshiji Maharaj admitted that the RSS was the torchbearer for the VHP and in case of there being any dispute, the opinion of RSS would prevail. Acharya Giriraj Kishore detailed interlinks between VHP and BJP and stated that *Uma Ji* considered herself to be a BJP representative. VHP used to claim itself and its other parties as champions of the Hindu cause and the temple movement.

114.50. VHP used to participate in all the meetings, relating to Ayodhya matters or disputes or for construction of temple regardless of whether the meeting having been organised by the BJP, RSS or the Government, or by any other person. In one of the meetings the object or the purpose of the meetings was usually to work out the logistics or organising a meeting for sending the Sadhus and Sants to meet the Prime Minister.

114.51. The final decision for Karseva on 6th December 1992 was taken in 1992. It was conceded by VH Dalmia the President of VHP that as and when a karseva was to be organized, the VHP was responsible for making arrangements for stay, food, travel, shelter etc. Dalmia and other VHP leaders sought to aggrandize the role of the VHP and asserted that the VHP was responsible for mobilizing organizing the Karseva successfully though admittedly the major role was played by the Rath Yatras, including the one led by LK Advani in 1990 from Som Nath. Before the RSS and the BJP took up the cause aggressively, the mobilisation did not catch on even in UP, much less on the national scene. This fact is admitted, though in reticent manner by persons no less than Paramhans Ramchander Dass, KS Sudarshan etc., who categorically stated that they were of the opinion that the

movement could not succeed without the support of the Hindu organisations or organisations sympathetic to Hinduism at the national level. BJP was the only political party of national stature who supported this movement. There was little impact that even the previous Rath Yatras including the Ram Janki Rath Yatra had had. It is trite that the success of a movement depends upon motivated workers. It is a well-known and open secret that there are few organisations which have a cadre of workers as dedicated as the RSS or BJP. Their workers are indoctrinated with the notion of cultural nationalism, *Hindutva* and their own version of constitutional secularism.

114.52. VHP built itself up by drawing upon the persons mainly from the RSS cadre.

It held various conferences up till 1983 at Udipi, Kota, Pandharpur, Siddhapur, Tirupati, Mangesh, Nougoun, Ujjain, Imphal, Jammu, Gauhati, Kishanganj, Amritsar, Malda, Port Blair where admittedly the participation never reached more than a few thousands.

114.53. It cannot be said to be a coincidence that the BJP entered into the fray in 1989 passing the resolution supporting the movement for construction of temple in Ayodhya soon after the judgment in Shah Bano's case had been delivered and the Mandal Commission had already kicked up a storm in the national affairs.

114.54. VHP first covertly and later overtly and effectively took over the reins of the movement for construction of temple. It became the frontal face for the construction movement. On the fateful day, identity cards to the Karsevaks were issued by VHP. Identity cards for Karseva issued by RSS or BJP too,

but they used to be issued at Ayodhya at the office of VHP. VHP was alone in organising all the details and from its own office managed all acts or functions held at Ayodhya in connection with the temple construction movement. No other participant of the construction movement was having any independent organisational set up in Ayodhya. Other participants and organizations in the movement too used to work from VHP office.

114.55. It can be concluded that the call for *Karseva* used to be given by VHP and not by the *Marg Darshak Mandal* or *Dharam Sansad* as was sought to be stated. This finds support in the statement of District Magistrate RN Srivastava who categorically stated, and even informed the Home Secretary and DGP, that the call for *Karseva* for 30th of November 1992 was given by VHP, *Bajrang Dal* and RSS while the political support to it was given by BJP, Shiv Sena, etc. That the motive behind the *Karseva* was political, was apparent when he reported that according to his perception, leaders of VHP and RSS had set everything up for the success of the programme; and he was of the opinion that in case of its failure, Hindu organisations stood to lose their identity in the politics of the country. He reported that VHP and RSS had decided to make every sacrifice for the success of the *Karseva*, adopting all tactics⁴⁹⁸. He further categorically admitted that VHP is an allied organisation of BJP and so is the *Bajrang Dal*. The hold of BJP over VHP was visible even when MM Joshi, a prominent leader of the BJP and of the movement, went to Ayodhya in July 1992 to try to stop the *Karseva*, which shows the close relationship between the VHP and BJP. In pith and

⁴⁹⁸ See file no. 9.200/5 (D)/90

substance and for all practical purposes VHP and BJP are one, though on the face they are two separate institutions or entities. DB Roy stated that the site of *Karseva* was controlled by the VHP and the *Karsevaks* were converging on the call given by the VHP. VHP was said to have a complete control over *Karsevaks* and the administration was dependent on it to check and control them. The Chief Secretary corroborated this and stated that the main persons with respect to *Karseva* were Vinay Katiyar and Ashok Singhal⁴⁹⁹. Even Uma Bharti accepted that the call for *Karseva* was given by the VHP.

⁴⁹⁹ See *CW 13/8*

115. The Bajrang Dal

115.1. DGP Parkash Singh⁵⁰⁰ categorically stated that parties privy to the design of demolitions taking place before July 1992 and for construction of the proposed magnificent temple at the site, were identified as VHP, *Bajrang Dal* and the BJP being the protégés, directly or indirectly, of the RSS. Sanjay Kaw⁵⁰¹ stated the entire process of identifying, registering and transporting the Karsevaks to Ayodhya from Delhi was managed by the BJP Youth Morcha. *Parichaya Patras* with the Karsevak's photograph were issued on BJP's letterhead by the RSS. People were not permitted to stay in the camps, be it at *Karsevak* Puram or around the disputed structure, without having identity cards from the sponsoring outfits⁵⁰². No cross-examination was directed towards these assertions nor were these facts challenged before the Commission. It was undisputed that all the *Karsevaks* reaching Ayodhya used to report at the office of VHP who used to direct them for boarding and lodging. Even the press cards were issued to the Journalists by VHP⁵⁰³.

115.2. In 1990 and even prior to that, the detailed programmes were worked out in advance by VHP and adopted by *Sant Sammellans* from time to time. This was within the notice of the government and was mentioned in an office

⁵⁰⁰ *CW 14*

⁵⁰¹ *CW 20*

⁵⁰² *Reported in CW 20/1*

⁵⁰³ *See the statements of Sakshiji Maharaj (DW8), Madhav Godbole (DW 13), Suman Gupta (CGW9) and CK Mishra (CGW 49)*

note⁵⁰⁴. In the said note it was further noticed that VHP and *Bajrang Dal* were required to carry out the movement openly while RSS was to carry out the movement amongst Hindus secretly, in view of the obstacles and hurdles expected from the government in the carrying out of the movement. The RSS leadership apprehending prohibition on the movement declared by the Government and with an object of getting the sympathy of Hindus and taking the movement ahead in spite of the prohibition on the movement with the comprehensive arrangement of forces available to it decided to carry out the movement secretly amongst the Hindu society. It required the Bajrang Dal, VHP to do it openly.⁵⁰⁵ The Government did notice that in spite of the programme being declared by the VHP, the organizational lead of the temple construction programme was still with the RSS.

115.3. The post event conduct of Ashok Singhal who said that if the OBC campaign was allowed to grow, it would cause immense damage to the BJP, even at the national level which would run counter to party's game plan to capture power by unity of Hindus. This statement by itself would take wind out of the sails of the VHP's claim of being a socio-religious body⁵⁰⁶.

115.4. It emerges from the official records that VHP planned Shilas Pujan and carried it out at one place in towns where population was around 2000 and at three places where the population was more than 5000. The programme in actuality was carried out by the RSS and the overall impression was created

⁵⁰⁴ See file no. 9.200/5/D/90.

⁵⁰⁵ See file No. 6.200/76A/D/90.

⁵⁰⁶ The statement was published in 'India Today' dated 15 November 1995.

that there was no difference of opinion between the VHP and the then Chief Minister who was prepared to sacrifice his office⁵⁰⁷.

115.5. The Governor of Rajasthan reported that BJP exercised control over the RSS and VHP and the *Bajrang Dal* leaders. The BJP took out *Rath yatra* exhorting *Karsevaks* to reach Ayodhya.

115.6. Lala Ram Gupta, counsel for the Union of India and the counsel for the VHP made submissions before the *Babri Commission* that theoretically or practically there was no distinction between the government run by the BJP, the RSS and the VHP. There a demonstrable commonness and unity among the parties to the movement, and the then State Government. All the parties to the movement were protégés of the RSS.

115.7. *The Bajrang Dal* was constituted in the *Akhara* of Paramhans Ramchander Dass with his blessings who admitted that it was the youth wing of VHP, with the mandate to build the character of Hindus. Acharya Giriraj Kishore, Ashok Singhal and a large number of witnesses corroborated this fact. At the time of constitution or sometime later, Vamdev administered oath to the *Bajrang Dal* workers for their participation in the movement for construction of temple at Ayodhya. Vinay Katiyar was appointed its President. Vinay Katiyar stated before the Commission that he himself was the *Bajrang Dal* and vice-versa. He carried the organization in his pocket with no membership. He however denied its being a part of any other organization despite is being a well known and an undisputed fact and one corroborated by

⁵⁰⁷ See file No 3.200/30/D/89.

Paramhans Ramchander Dass. Ashok Singhal, Acharya Giriraj Kishore, Paramhans Ramchander Dass, VH Dalmia, etc. who appeared before the commission. Under the stress of cross examination, Vinay Katiyar accepted that it was floated in the Akhara of Paramhans Ramchander Das with his blessings.

115.8. *Bajrang Dal* workers accompanied LK Advani in his Rath Yatra in 1990. In order to show their commitment they even offered him a cup of their blood. Prof Richard David recorded that they welcomed LK Advani by applying a *tilak* mark on his forehead at Delhi. Vinay Katiyar observed, “*If There Is Any Sangharsh We Are Ready For It ... Kuch Bigadne Par Hi Kuch Banta Hai*”. The statement of Vinay Katiyar leads to a reasonable implication that they were ready to do something, which was not in accordance with the law or established practices. With the passage of time, *Bajrang Dal* acquired the reputation of being a fighting force. The *Bajrang Dal* attracted the unemployed educated youth to promote the cause of VHP or temple and owed no responsibility, direct or indirect, for their reckless acts of indiscipline or violence by its members.

115.9. In October 1990, a programme of illumination of *Ram Jyotis* was chalked out wherein a group of 2500 members of *Bajrang Dal* was sent to the villages adjoining Ayodhya 6 or 7 days prior to the *Karseva* scheduled for the 30th of October 1990 to form groups of *Karsevaks*. It was proposed that there would be *Yagya* from 26th to the 30th of October 1990 for which a large number of *Karsevaks* were expected. The *Bajrang Dal* cadres were to go to Ayodhya under the veil of *Karsevaks* and stay with the *Karsevaks* in temples to try to

motivate the sentiments of karsevaks and pilgrims who had come for participating in the *14 koshi and Panch koshi Parikarma*.

115.10. It is undisputed and even taken note of in the official records that Vinay Katiyar and his Bajrang had earlier demolished certain structures in *Ram Janambhoomi-Babri Masjid* complex despite the orders of the Supreme Court with the protection of a sympathetic government.

115.11. Secret and closed door meetings for planning the future course of the Ayodhya movement were even noticed by the then DGP Parkash Singh⁵⁰⁸ who formed the categorical opinion that Vinay Katiyar and Ashok Singhal were the persons behind the Chief Minister, trying to push him beyond limit for diluting security. He testified that DB Roy who was known to Vinay Katiyar from Kanpur was posted at the insistence of Government, to which he had to agree as the DGP. The government was making postings of officers on the sensitive posts without recommendation or the concurrence of DGP, which later resulted in the transfer of the DGP himself. His categorical and unchallenged assertion was that the local officers and SSP used to hobnob with the local politicians, and the VHP leaders. Parkash Singh categorically stated that the administration used to get the signals from VHP. There is no gainsaying that local leaders were none other than Vinay Katiyar, Laloo Singh, Dwivedi MLA, basically from the RSS and now in the BJP, VHP or Bajrang Dal, who were helping the *Karsevaks* and labourers to demolish the buildings like *Sankat Mochan* temple in 1991 regarding which

⁵⁰⁸ CW14

specific information had been sent to the Government but with no resultant action⁵⁰⁹.

115.12. It was reported in September 1992 by the then District Magistrate while informing the Home Secretary and DGP that the call for Karseva on 30th of November 1992 was given by VHP, Bajrang Dal, RSS while BJP gave it political support⁵¹⁰.

115.13. The object of *Bajrang Dal* is *para materia* with the objects of the VHP and the RSS. Even the District Magistrate opined that *Bajrang Dal* is an allied organization of VHP and BJP. The somersault taken by Acharya Giriraj Kishore with respect to describing *Bajrang Dal* as *Swayamsevak* organization cannot be accepted on the face of it.

115.14. It may be noticed at this stage that Vinay Katiyar proclaimed that decisions taken by *Dharam Sansad*, Paramhans Ramchander Dass, Mahant Nritya Gopal Dass, and Acharya Vamdev used to be implemented according to his wishes.

⁵⁰⁹ See file No 20.200/87/A/91.

⁵¹⁰ See file No 9.200/5/D/90

116. Shiv Sena

116.1. There is little evidence which has come on the record regarding the constitution of the Shiv Sena. Moreashawar Save⁵¹¹ from Shiv Sena is the only witness who appeared before the Commission. Shiv Sena was constituted as a political party in the year 1966. He admitted that the organization is a political-cum-religious and party registered with the Election Commission. Moreashawar Save categorically admitted that Shiv Sena believes in nationalism linked with Hinduism. These objectives are *para materia* with the thought and philosophy of the RSS.

116.2. With respect to the membership of Shiv Sena, he brought to the notice of the Commission, that a person can be a member of Shiv Sena if he is a nationalist and not anti-national; he made a crude attempt and was at pains to state that non-Hindus could also be enrolled members of the Shiv Sena. Nothing substantial has been pointed out either through its constitution or by oral statement naming any non-Hindu prominent member or leader of Shiv Sena. The membership of the Shiv Sena is comprised of Hindus, especially those with pronounced communal tendencies. It was specifically stated by Moreashawar Save that a nationalist was one having faith in the Constitution of India, in its national flag, and did not consider any outside interest in any manner. Hoisting a flag other than Indian flag was definitely not national

⁵¹¹ CW 26

according to him, as was applauding of sports. He stated that Bala Sahib was the only Hindu leader holding nationalist Hinduism views.

116.3. Moreashawar Save admitted that Bala Sahib Thackeray is the supreme leader of the Shiv Sena. All powers flowed from him and ended with him. As established by various Commissions and as otherwise accepted, it is a well-known open secret that Bala Sahib Thackeray has the reputation of being a staunch religionist Hindu. Bala Sahib Thackeray issues firebrand fanatic Hindu religionist statements in media on various issues. He makes no bones while making to the press statements or in public meetings that it is not unknown that Muslims, Christians etc are communal oriented.

116.4. This Commission need not burden this report with the various press cuttings and the statements issued by him from time to time challenging other communities like Muslims and Christians condemning them as unpatriotic. Various media reports and other evidence produced before the Commission suggest that he still carries the venom and prejudices of the days of the partition. This prejudice has not only survived but also been used from time to time for selfish ends of acquiring power. Attempts have been made to increase the cleavage between the two communities after partition. The Shiv Sena is responsible for floating theories of increasing population of Muslims, celebrations of the success of the neighbouring country Pakistan in sports, criminal activity etc.

116.5. Moreashawar Save stated that it was decided by the Shiv Sena in 1987-88 to enter the Ayodhya movement but still he went on to state that in 1990

Karseva only two persons from the Shiv Sena participated, and that the Shiv Sena did not mobilize *karsevaks* in 1991 since the impression was that the matter would be sorted out amicably but in the meantime, Prime Minister Rajiv Gandhi died. He stated that no call for construction was given by Shiv Sena which flies in the face of the State Administration and Intelligence Department's reports that at the meeting of 28th of November 1992 at Faizabad Shiv Sainiks categorically stated that they would not do symbolic *Karseva* and would carry out the construction of the temple. The articulation made by Moreashawar Save or even denials or attempts at diplomacy are of no consequence.

116.6. Undisputedly, the *Karsevaks* were unhappy with the ostensible decision symbolic *Karseva* and they were not willing to follow this decision of the leadership and were in a rebellious mood. The Shiv Sena condemned those participants in the movement like BJP, etc. for these statements, accusing them of emulating or falling in line with the Congress party⁵¹². The veracity of this stand went unchallenged. The notes were sent as far back as 1990 by RK Bhargav to the Union Secretary, informing him that organizations including Shiv Sena had given a call to start construction of temple at *Ram Janambhoomi* at Ayodhya, while Moreashawar Save categorically stated that no call for construction of temple was given by Shiv Sena. The assertion of Moreashawar Save appears to be not in conformity with the facts on ground.

116.7. Moreashawar Save stated that the Shiv Sainiks could be distinguished on the 6th of December from amongst the other cadres of RSS, *Bajrang Dal* etc. by

⁵¹² *Speech reported in CW9/12.*

their head gear. *Swayamsevak* wore saffron headband, the *Bajrang Dal* *Karsevak* had yellow headbands while the Shiv Sainiks wore black headbands. Even in the video cassettes produced before the Commission, Shiv Sainiks could be seen clearly, wearing black caps. It became especially prominent when Shiv Sainiks attempted to forcibly enter the *Puja Sthal*. There was a skirmish between the workers of RSS and the Shiv Sainiks on the question of entering into the encircled area.

116.8. It appears, that there is a conscious effort to downplay the role of Shiv Sena. Parkash Singh categorically said that the parties to the grand design for the magnificent temple were the BJP, VHP, RSS, *Bajrang Dal* and Shiv Sena.

116.9. Bal Thackeray said, "*We will not stop now. Hindus have united as never before. The nation needs a strong united force of Hindus. They want to project United Hindutva front. We want BJP to be power in New Delhi. Political compulsions compelled BJP to discard the moderate stand of Vajpayee. I am glad that I have breathed life into the Hindus. Since the time of the Muslim invasion, nine centuries back Hindus had lost their souls. The need to get their spine back, I did just that. That Rath even if it is power driven appeals to the Hindu. Arjun received the Gita from Lord Krishna in a Rath. Anyone who takes to Rath is truly resurrecting the spirit of Hindutva. I am proud of having done that. I am also proud of my organizing skills. Everyone knows that I am the power behind the power --- no aspersions on my friend Joshi – the Murli (flute) beautiful (Manohar) notes. Nevertheless, no flute can strike the right notes unless someone who knows how to place the right finger at the right spot at the right time. On December 6, 1992, found how much power I gained in inspiring people. In fact, it*

was moment of exultation. I also noticed that I had all the power, so long as I swung the mob, but the moment I tried to make them turn back from their onwards assault towards the monument, I found nobody would listen to me. You can lead a horse to water, but you cannot stop it from drinking. That is the modern version of the old proverb I learnt during the operation.”

116.10. Moreashawar Save stated to the media, “*Shiv Sena Hindu Vadi Sangathan Hai. Jahan Bhi Hindu Hit Ki Baat Hogi Bhale Woh Kisi Bhi Muddye Se Ho, Chahey Woh VHP, BJP, Bajrang Dal Ho Shiv Sena Unke Saath Rahegi, To The Extent Of Hindu Hit*” He categorically admitted that programmes of Rath yatra was for their own existence and the people in the crowd did not know what for they were assembled. He admitted the press statement dated 4.12.92⁵¹³ to be correct.

⁵¹³ See CW 26/3, CW 26/4

117. Ram Janambhoomi Nyas

117.1. Acharya Giriraj Kishore stated that in 1984 when the *Bajrang Dal* was constituted almost simultaneously Ram Janambhoomi Mukti Yajna Samiti and Ram Janambhoomi Abhiyaan Samiti were also constituted.

117.2. *Ram Janambhoomi Nyas* was constituted by the VHP with Ashok Singhal as the Manager, Vishnu Hari Dalmia as the treasurer with many other trustees with a object to reconstruct the temple and making improvement on it and further awakening the Hindus all over the world. The principal object as accepted by Acharya Giriraj Kishore was to awaken the Hindu society with respect to Ram and preach Ram worship. It is surprising that a person no less than Vishnu Hari Dalmia admitted that Ram Janambhoomi Nyas was established for the construction of the temple. Still Acharya Giriraj Kishore stated that Ram Janambhoomi Nyas was a body distinct from the VHP despite the fact that all the office-bearers of the Ram Janambhoomi Nyas were the same as the VHP.

118. *Dharam Sansad*

118.1. From the CDs produced before the Commission, the *Sadhus* and *Sants* were appeared to be of little or no relevance, and were bunched in by VHP, These *Sadhus* and *Sants* too were drawing contours of BJP resources and sources so that *Sangh Parivar* could ensure its success at the elections which is evident from the various speeches delivered by them at Ujjain which were published in the form of a booklet produced before the Commission⁵¹⁴.

118.2. It may be highlighted and considered a fact of some importance that the decisions with respect to the *Karseva* were being taken by the same persons at every point of time sometimes as representatives of the VHP and at other times as that of Ram Janambhoomi Nyas or *Bajrang Dal* or any other organization of any name. I may add that even new institutions were used to be floated by VHP to meet any emerging situation, environment, facts and needs of the time, suitable for the political agenda of the *Sangh Parivar*.

118.3. Despite the contradictions, and articulations of leaders, the *Dharam Sansad* cannot be put on a higher pedestal than an association of persons. It cannot be termed as a body having any legal entity. There is a complete confusion as to whether *Dharam Sansad* and *Kendriya Marg Darshak Mandal* are one or whether they are two different institutions. Some consider *Dharam Sansad* as

⁵¹⁴ Mark 'X' in the evidence

the general body and *Kendriya Marg Darshak Mandal* a smaller body of *Dharam Sansad*⁵¹⁵.

118.4. The constitution of *Dharam Sansad* by VHP in 1984 is undisputed. It is admitted, that the agenda and convening of *Dharam Sansad* meetings used to be organised by VHP and even their ostentatious office is within the office of VHP⁵¹⁶. Acharya Giriraj Kishore stated that the VHP brought all the Sants and *Sadhus* on one platform. He said VHP collected *Dharmacharyas* on one platform and worked on their advice and command. It was stated by Paramhans Ramchander Dass that the *Dharam Sansad* is a part of VHP though he later modified stating that *Marg Darshak Mandal* was started out of necessity⁵¹⁷.

118.5. Sakshiji Maharaj categorically admitted that the *Kendriya Marg Darshak Mandal* is one of the bodies of VHP.

118.6. PV Narasimha Rao stated that *Kendriya Marg Darshak Mandal* or the *Dharam Sansad* was neither a group nor a cohesive organisation or a body rather it was a cluster of persons, given the name of *Dharam Sansad*. This description of *Dharam Sansad* seems to be the best description of the *Dharam Sansad* or *Kendriya Marg Darshak Mandal* and has not been disputed or contested. The members of these associations never negotiated with the Government or the local administration nor any other person related to disputed structure including the counter claimants All India Babri Masjid

⁵¹⁵ Read the Statements of Acharya Giriraj Kishore.

⁵¹⁶ See the statement of Mahant Avaidyanath & SC Chaubey

⁵¹⁷ See also statement of Shaksji Ji Maharaj (CW8)

Action Committee (AIBMAC). As stated by Kalyan Singh that *Sadhus* and *Sants* or *Dharam Sansad* or Kendriya Marga Darshak Mandal have not even once met him relating to the disputed structure. They only had a meeting that too organised by AB Vajpayee and Advani with the then Prime Minister and at no other point they were associated with any decision making authority.

118.7. It stands to reason that façade was created which kept alive the call for Shila Pujan at Udipi which had been given in 1989 by *Dharam Sansad* and that the call for *Karseva* in October 1990 had been given by *Sant Samelan* in Haridwar.

118.8. It was admitted even by the then District Magistrate RN Srivastava⁵¹⁸ that *Marg Darshak Mandal* is one of the different bodies of VHP.

118.9. Ashok Singhal, the most prominent and predominant person in the movement stated that *Kendriya Marg Darshak Mandal* is the forum of highest level of Sants of main communities of India and VHP is coordinator. At a regional level it is the *Marg Darshak Mandal* which represents the *Dharam Sansad*. His version that the *Sant Samelan* has nothing to do with politics runs contrary to the admitted facts that the majority of the legislators among them are seen as the politicians of the nation. There is no gainsaying that the prominent personalities claiming to be members of *Dharam Sansad* like Mahant Chinmayanand, Mahant Avidyanath, Uma Bharti, etc are not only a part and parcel of a political party but are members of the Parliament.

⁵¹⁸ CW 13

118.10. Acharya Dharmendra Dev stated that *Dharam Sansad is a Manch of the biggest dharmik Peeth and Kendriya Marg Darshak Mandal is a different body of Dharmacharyas of Hindu Samaj who are leaders of various sects, which make policy to protect the Hindu community.*

118.11. Records of the VHP were kept back from the Commission. It may not be unreasonable to infer that they ran against the theory put up by them about *Dharam Sansad* or *Kendriya Marg Darshak Mandal* etc. being the independent bodies or associations under whose directions they acted. It is the other way around; when tested on the well-accepted thought or principle or reason, that religious thoughts remain embedded in the psyche of a person. Religious leader creates political leaders. The veil of the *Marg Darshak Mandal* as a religious body of Sadhus and Sants gets torn down when even Uma Bharti, herself as its member till 1993-94, accepts that she does not even know its objectives. She said that she does not know who took decisions on their behalf⁵¹⁹.

118.12. Thus there is no gainsaying that it would be reasonable to infer from the facts stated above and the circumstances as they emerged that the *Marg Darshak Mandal* is synonymous with *Dharam Sansad*. It further gets affirmed that the *Marg Darshak Mandal* or *Dharam Sansad* is a façade created by VHP when Uma Bharti categorically admitted that *Marg Darshak Mandal* is largely composed of *Sants*, it has no office bearers, and they do not represent any organisation nor had any identity or entity of their own. They are influential people. On 6th of December 1992 none of the prominent *Sadhus* or *Sants*

⁵¹⁹ See statement of Uma Bharti (CW17)

present as members of *Dharam Sansad* or *Marg Darshak Mandal* made any attempt to persuade the *Karsevaks*, dissuading them from demolition despite the fact that it was put forth that on 5th of December a decision had been taken by them for symbolic karseva. They did not dissuade the people from raising slanderous, provocative slogans, rather went to the extent of denying the rabid slogans raised. Acharya Dharminder Dev made a crude attempt of describing as a parody a Kirtan like “*Babar bole Ram-Ram*” etc. They took pleasure in the demolition at the time of the demolition and thereafter they glorified it. Acharya Dharmendra Dev admitted, that he did not appeal to the *Karsevaks* to come down though he admitted that LK Advani, HV Sheshadri, etc made appeals from public address system asking the *Karsevaks* to come down. None requested nor attempted to stop Karsevaks from entering the disputed structure or demolishing it. It would be reasonable to infer that a facade was attempted by selected icons and leaders to sustain their veil of constitutional secularism. One could further infer that the intention of leaders was to only to ensure the safety of the Karsevaks who had climbed on the domes. It is obvious in totality that the leadership was more concerned for the security and safety of the karsevaks than to protect the disputed structure or the later communal holocaust. The witnesses appearing broadly accepted the report of Chandan Mitra with respect to the celebration. Reference may also be made to the statement of Sakshiji Maharaj.

119. Vishwa Hindu Parishad

119.1. Vinay Katiyar admitted that the relationship of BJP and *Bajrang Dal* is that of *Ram* and *Laxman*. He had gone to the extent of stating that demolition carried out under a plan. He however had the cheek to deny the relationship of *Bajrang Dal* and VHP despite the fact that he is contradicted with respect to this major fact even by the founder of *Bajrang Dal*, i.e. Paramhans Ramchander Dass whose version was corroborated by Ashok Singhal, Acharya Dharmendra Dev and other prominent persons. They accepted that the decisions of *Dharam Sansad*, were taken by Nritya Gopal Dass, Paramhans Ramchander Dass, Vamdev who were none else but prominent persons of VHP. He admitted that the officers used to oblige them.

119.2. VH Dalmia categorically accepted that *Sadhus* and *Sants* are there in VHP and they guide us on religious matters but he stated that they are not part of the organisation. Some persons, as the office-bearers of the VHP take decision on behalf of it, and the substantially the same persons calling themselves the *Dharam Sansad* repeat the decision. One fails to comprehend how the decision can be termed to be by different persons though it may be by two legal persons. *Dharam Sansad* is not even a legal entity. One fails to comprehend how merely by changing the name of an association, the *inter se* relationship vanishes. In my opinion, it is otherwise. When the decision making physical persons are substantially the same, even if their number may be varying, the giving of a particular name or the other to the association is

usually for hidden reasons and can be termed to be a façade for the public's eyes. The constitution of *Dharam Sansad* in 1984, coinciding with *Ram Janam Sthan Mukti Yajna Samiti* with Mahant Aavidyanath as its president and the constitution of *Kendriya Marg Darshak Mandal* was admitted. The close association of Vinay Katiyar with the *Sadhus* and *Sants* and his being an active member of VHP along with SC Dixit was also admitted before the Commission.

119.3. It was admitted in the White Paper of BJP that the *Sangh Parivar* of which undisputedly they are members, gains inspiration from RSS. While defining *Sangh Parivar* it was said to refer to the RSS with cluster of other organisations - even some of the *office bearers* of RSS were in the VHP.

119.4. Vishnu Hari Dalmia accepted that the persons like Champat Rai, Acharya Giriraj Kishore and Onkar Bhave were looking after the construction of temple at the disputed structure, these are the members of VHP derived from RSS and were not in control of or guided by *Dharam Sansad* in any manner. He categorically stated that Boat Club rally was organised by VHP though *Sadhus* participated.

119.5. LK Advani categorically admitted that the views of BJP were given due weight by the *Sadhus* and *Sants* to the strategy decided by VHP and BJP in the presence of RSS leadership. Paramhans Ramchander Dass accepted that *Kendriya Marg Darshak Mandal* is an ancillary body of the VHP. It would be reasonable to infer that *Dharam Sansad* and *Kendriya Marg Darshak Mandal* were façades of VHP created by the VHP in order to keep the people

guessing and to mobilise the people having religious thoughts embedded in their psyche, for hidden reasons with an impression to perpetuate public hypocrisy.

120. The Sangh Parivar, Hinduism and Hindu

- 120.1. From the examination of facts and the available evidence with the commission, or the inferences raised therefrom, as well as circumstances which may not override reality of situation and cannot be ignored too, the picture that emerges is that the participants of the movement jointly and predominantly were known in the world of media, law and in common parlance as Sangh Parivar.
- 120.2. In other words Sangh Parivar was the collective name assumed or given to all the participants, parties, or their leaders including the religious ones, social or religious institutions, or associations of persons etc. involved directly or indirectly, implicitly or expressly, jointly or severally, under whatever name they might be using.
- 120.3. Arjun Singh specifically stated, "Sangh Parivar means BJP, VHP, RSS, Bajrang Dal with their ideology to follow Hindu fundamentalism and resurrection of the lost cause of Hindu religion". Sangh Parivar has to be taken as one unit.
- 120.4. In the simplest of terms, and with utmost restraint, I cannot refrain from observing, with respect to the evidence and without pinpointing any particular persons, that the self proclaimed defenders of Hindu religion abetted and demolished the structure through their small time street leadership.

- 120.5. Defining Sangh Parivar, and pinpointing the entire role played by them in demolition of the disputed structure was the most perplexing question in this exposition especially when the concept, the scheme, motives and objectives exist in the minds of the leaders who remained thoroughly unhelpful.
- 120.6. Political organizations and members of Sangh Parivar used to settle their agenda and gave it the name of a religious movement for extending their support to it or mobilizing the people for the same.
- 120.7. The philosophies, thoughts and objectives of the constituent members of the *Sangh Parivar* are identical with respect to *Hindu Rashtra*, Hindu religion and the Hindu culture.
- 120.8. The term Hindu as used by the *Sangh Parivar* cannot be said to be in conformity with the definition as laid down by the Supreme Court or put forth by the articulating leadership, representing it a way of life. The common person and even some leaders accept that *Hindu* is as much a religion as Muslim or Christian. All of them accept the thought of Hindu nation for which Hedgewar considered RSS as the model of Hindu nation.
- 120.9. There cannot be any dispute that RSS is the major single largest important constituent of the *Sangh Parivar*. It is also accepted that the Bajrang Dal is the youth wing of VHP and *Dharam Sansad* and the *Kendriya Marg Darshak Mandal* sponsored by VHP though were portrayed as independent bodies⁵²⁰. Similarly Paramhans Ramchander Dass and Mulayam Singh accepted that all

⁵²⁰ See statements of Sakshiji Maharaj (DW8)

the members of *Sangh Parivar* contested elections on the BJP tickets and become legislators of BJP party.

120.10. The promotion of *Hindutva* in the RSS's lexicon means establishing a *Hindu Rashtriya*, a state in which Hindus would enjoy superior position as compared to the followers of non-Hindu religions. This is obviously a dream and a goal repugnant to the constitution.

120.11. It was accepted by Parkash Singh that Ashok Singhal and Vinay Katiyar were working behind the scenes and closed door meetings used to be held by VHP, RSS and the Bajrang Dal.

120.12. Despite the nuanced articulation of the leaders and the witnesses, for or against the claim, with respect to the disputed structure, or even the parties themselves protesting, it emerges that these groupings including the VHP and the *Bajrang Dal* etc. were nothing but units of RSS. In fact from their conduct, established by undisputed facts, circumstances, events and sifting of statements on oath all these units shared the same belief in the construction of temple and used the theories put forward to counter the vote-bank politics of caste, religion, minorities, etc ensuring the political power for themselves. It was in totality an attempt to project their image as protectors of Hindus or the Hindu religion or Hindu culture.

120.13. Each party, group or organization within the *Sangh Parivar* was constituted of a distinct class of common people, headed by a leadership from the common source - the RSS - and was established according to the expediency and needs of the time. Despite their technical, legal status as an individual or

a person or an association or a trust or a society I am of the firm view that in fact they were one and the same persons. Factually and practically they were the same unitary entity with common sources and ideology, propagated by RSS. The actual individuals are also the same with varying numbers in the different associations and groupings that make up the Sangh Parivar.

120.14. The names used to denote the different associations or institutions are in fact veils. Their conduct and acts cumulatively are reflective of their interest, *inter se* connections and can be authoritatively termed as frontal organizations of RSS.



सत्यमेव जयते

REPORT OF THE
LIBERHAN
AYODHYA
COMMISSION
OF INQUIRY

CHAPTER 10
THE JOINT COMMON
ENTERPRISE

121. THE JOINT COMMON ENTERPRISE

121.1. Leaders, political and otherwise, are always on the lookout for “*the issue*” which can be used in order to arouse the passions of the people and which can catapult them into the limelight. It is well known, that once any dispute, disagreement or disenchantment, whether genuine or man-made, comes or is mischievously brought to the surface with a hidden or wrapped motive, leadership and organizations develop around it.

121.2. In a multipolar and diverse country, outbursts of anger are not uncommon and pent-up emotions and passions can build up sufficient inertia to sweep across the nation and in the process, lines are crossed and chaos ensues. The leaders’ personal ambitions only serve to magnify and amplify the problem.

121.3. The lack of a government elected on the sole plank of Hinduism at the centre ever since independence had caused resentment amongst a small part of the society. This frustration was stoked and carefully nurtured and converted into violent anger which was used for political gains.

121.4. The questions which must be answered is, whether there is sufficient evidence to suggest that the events leading up to, and of the 6th of December 1992 were in pursuance to, or the result of a conspiracy premeditated and planned and by whom it was done.

121.5. For the reasons enumerated in this chapter and in the other parts of my report, the question must be answered in an emphatic affirmative. The

incidents of December 6th were neither spontaneous, nor unpreventable. They were the zenith of a concerted and well laid-out plan which encompasses an entire pantheon of religious, political and mob leadership. It was a successful and well concealed plan of the authors of the movement who also managed to stay outside the public limelight until the actual events unfolded.

- 121.6. It is an undisputed fact that many leaders including the so called Sadhus and Sants, politicians and others including LK Advani, MM Joshi, KS Sudarshan, Uma Bharti, HV Sheshadhari, Parmod Mahajan, Ashok Singhal, Paramhans Ramchander Das, Vamdev Maharaj, Acharya Giriraj Kishore, Vishnu Hari Dalmia, Vinay Katiyar, Professor Rajinder Singh, Champat Rai, RS Agnihotri shielded the name of many others whose names could not therefore be ascertained despite a prolonged enquiry. Witnesses repeated well rehearsed stories and evaded cross examination by pleading a sudden loss of memory or lack of knowledge. They denied or failed to admit even those details mentioned in the BJP's own white paper. The witnesses consistently made efforts to protect the principal leaders like LK Advani, MM Joshi and AB Vajpayee who in their assessment were likely to come to power. They were also overprotective of the principal RSS leaders like KS Sudarshan and Vamdev Maharaj for obvious reasons. All these people were uncontrovertibly present in Ayodhya or even in the Ram Janambhoomi complex on the 6th of December with the exception of AB Vajpayee who was travelling from Lucknow to Delhi.

121.7. In totality, it becomes obvious that some leaders were consciously kept out of the operational area or planning in order to protect them and preserve their secular credentials for later political use.

122. The seeds of the conspiracy

- 122.1. All the leaders of Sangh Parivar and the various persons who joined the movement at any point of time or other, have their character bound by ancient conflicts whose actual purposes were clouded. They shared a common “struggle” mentality with their ideologues and were drawn to any kind of a struggle or philosophy, be it of Pundit Deen Dayal or Veer Savarkar. There is no gainsaying that some people simply have a contrarian and anti-authority mindset.
- 122.2. Ayodhya was an irresistible issue for political parties and leaders to use for their own benefit. After the dubious installation of the idols in the disputed structure decades ago, it had been an opportunity just waiting to be exploited for political gains.
- 122.3. It is well said that conflicts can be contained but can rarely be resolved. There is no gainsaying that political agitators always believe that they have a greater influence over the crowds, than they may have in reality. Rational people are afflicted by the “*Herd behaviour*” syndrome and commit actions in mobs which they would normally abhor and which they regret belatedly upon regaining sanity.
- 122.4. There was a carefully nurtured demand and movement for possession of temple at Kashi and Mathura. The stalwarts like Dau Dayal Khanna, Prof Rajinder Singh of RSS and Gulzari Lal Nanda etc raised the demand for

possession of the disputed structure in 1983. The demand for the disputed structure at Ayodhya started being heard on the public platform since 1983 and became an appendage of the movement for possession of temple at Kashi and Mathura.

122.5. The demand had the blessings of Bala Sahib Deoras who supported it and of Raju Bhaiyya as well. Initially RSS supported the demand for possession of the disputed structure covertly and from the background, later it overtly and openly started supporting the demand for its possession by Hindus and construction of the temple at the site of the disputed structure.

122.6. The disputed structure was stated to be a stigma on national life which had to be erased. It was described it a sign of wanton aggression. The Muslims were accused of a policy of fundamentalism and communalism and it was asserted that historians were spreading further confusion. VP Singh recalled Advani's statement that "*what harm will come to Muslims if they were to accept Ram and Krishna as their ancestors and Ghazni, Gauri, Babar as foreign invaders*". There is no gainsaying that some of the Muslims also accept their genealogy through Hindu ancestors, be it Ram or other *Surya Vanshi* kings.

122.7. Vinay Katiyar⁵²¹ stated in evidence that the disputed structure was an incident affecting the culture and an insult to the Hindu religion, which the Indians are never able to forget. His hatred and feelings towards Muslims emerge from his statement before the Commission, when he described Muslims as scavengers and further sarcastically stating in filthy language that they cannot

⁵²¹ CW 25

see such a long hand of Ram, but can see a small hair of Mohammad Sahib for political reasons.

122.8. He posed a question that what is the difference between hairs? Vinay Katiyar warned, "*in case of use of rubber bullet or water cannons, discipline would go out of hand and I myself be liberated from shackles.*" Paramhans Ramchander Dass used to say, "*I am not bound by judgment, though U. P. government may be we will take the land, disputed or not as Babar took it.*"

122.9. "*As Muslim King Babar had not given the date to demolish Ram temple and construct in its places mosque, we will also not give the date for demolition.*" He further stated that on sixth of December 1992 they would see something more than singing of Bhajan and Kirtan – *Karseva* cannot be confined only to Kirtan. Above referred statements of Paramhans Ramchander Dass⁵²² were duly published and it was accepted by him. It was noted in the official record that Paramhans Ramchander Dass on the second of November 1992 on the Memorial Day at the platform said and declared that *we take an oath to take revenge of martyrs and asked the people to participate in large numbers.*

122.10. AK Saran stated that while reviewing the security, there was palpable resentment among *Sants, Sadhus and the Karsevaks* and they were vocal that they had not come there for Puja Archana but had come for *Karseva*. *Sadhus* and local leaders including Vinay Katiyar, Paramhans Ramchander Dass, Champat Rai, Vamdevji, Acharya Giriraj Kishore and other claiming to be religious leaders or protagonists of the temple construction movement never

⁵²² See DW11/3, DW 11/2 and DW 11/7

declared that their intention was to be restricted to mere symbolic *Karseva*. They were out with the obsession of demolition and the construction of a Ram temple at the site of the disputed structure. They did nothing despite the courts' orders for stopping the construction. There was no change either in the goal or the object or the subject amongst the leaders for sixth of December 1992. SP Gaur confirmed the above said observation as the fact on spot as was visible. LK Advani stated, "*Real Karseva would be carried out – no obstacle would be put in the way of the real Karseva.*" He further stated in an *impromptu* meeting at the Kanpur railway station that "*Karseva does not mean Bhajan and Kirtan; we will perform Karseva with shovels and bricks on 2.77 acres acquired land by UP government*". However this statement attributed to him, was denied by him in the parliament. There is nothing on record with this Commission with respect to the denial of the statement.

122.11. He stated that he was hopeful in November 1992 for actual *Karseva* and not just symbolic *Karseva* for which the mobilization had been done for long. It was admitted by him that people were exhorted to go to Ayodhya though later they were stopped. Champat Rai was admitted to be one of the local in charge of construction at Ayodhya who told Suman Gupta⁵²³ on 24th November 1992 that, "*Guerrilla Shelley Apnayenga Karseva Mien.*"

122.12. The facts are supported by CK Mishra. LK Advani stated "while we will not disregard courts orders, we will not for a moment give up our mandate and if in pursuant of our mandate we have to pay any political cost we will pay it".

⁵²³ CGW5

122.13. It was decided by BJP leaders, "*the government of India cannot stand between the government and its sacred mandate - warned it being playing with the fire - saying and doing anything that will excite passions and disturb peace. Construction at Ayodhya has exhilarated the nation - hailed the decision of VHP and Sant, Sadhus and Sants to start construction - congratulated the BJP government of U. P. for removing of the obstacles in the way*". S.B. Chavan stated that Sikander Bakht remarked that BJP having come into power in U. P. on the mandate of temple construction and would not budge an inch from that demand⁵²⁴.

⁵²⁴ published in CW 4/4.

123. The organizations involved

123.1. The RSS was the author of the movement behind Ayodhya. It had the hidden agenda and the intention of “awakening” Hindus politically and about their religion, igniting a debate on secularism, cultural nationalism, *Hindutva* (or *Hindu Rashtra*) and uniting the Hindus politically. In his statement, LK Advani also referred to these being the underlying objectives of the *Rath Yatras*.

123.2. The political party BJP⁵²⁵ is known to be a part of RSS or at the very least, to be under its direct influence of the RSS and shares its agenda, even though it is formally an independent body. The main actors or people within the BJP, RSS, *Bajrang Dal* or VHP were common and freely interchangeable.

123.3. The RSS deputed Vinay Katiyar who was a *pracharak* to Ayodhya for the *Ram Janambhoomi – Babri Masjid* movement. He was a part of the RSS and later became a president of the *Bajrang Dal*.

123.4. Various demands started at the instance of VHP. In fact demand for possession, as well as various other steps towards that end by Hindu’s at Ayodhya was raised at the instance of RSS through VHP or Paramhans Ramchander Dass. Paramhans Ramchander Dass⁵²⁶ stated that followers of RSS or of its philosophy or persons with similar philosophy and objects in

⁵²⁵ *Bharatiya Janta Party*

⁵²⁶ *DW11*

Congress constituted VHP in 1964. VHP openly started taking interest in the claim to the disputed structure. Paramhans Ramchander Dass clarified that there is no institution by the name of *Dharam Sansad*. It is *Marg Darshak Mandal* which was founded by VHP as a part and parcel of it. It was constituted in view of the necessity during the movement for temple construction. Various other bodies, organizations, legal entities, or groups etc like *Bajrang Dal*, *Dharam Sansad*, *Kendriya Marg Darshak Mandal*, Ram Janambhoomi Nayas, Ram Janambhoomi renovation committee etc. were constituted from time to time with the VHP or the RSS as the frontal organizations for innumerable objects to be achieved, particularly invoking Ayodhya and the issue of construction of the temple.

- 123.5. In the context of the statement of Vinay Katiyar, a careful examination of the evidence on the record establishes not only the participation of the RSS in Ayodhya movement but also shows that the RSS was the major author of the movement and others were working either at its instance or to attain the objectives of the RSS through the media of politics or to get into the seat of power through the BJP at the centre.
- 123.6. The RSS was the main driving force behind the temple construction movement even though the VHP and *Dharam Sansad* etc. were the projected leaders of the movement.
- 123.7. Leaders of VHP like Ashok Singhal and Giriraj Kishore accepted that they were associates of RSS and under its direct influence. Giriraj Kishore not only claimed himself still to be a Swayamsevak of RSS, but also stated that

most of the other protagonists were also so. It would be reasonable to conclude, that in view of the launching of temple construction movement in 1983 by Dau Dayal Khanna, Prof Rajinder Singh of RSS etc., the RSS emerged as the author of the movement acting through frontal organizations including the VHP.

123.8. Acharya Giriraj Kishore admitted that the *Bajrang Dal*, *Dharam Sansad* and *Marg Darshak Mandal* were some of the frontal organizations of VHP. Acharya Dharminder Dev⁵²⁷ stated that the *Kendriya Marg Darshak Mandal* was constituted of the nominees of various Hindu sects in order to make the policy to protect and safeguard the interests of Hindu community and give guidance from time to time and make the policy for Hindus.

123.9. Neither the *Dharam Sansad* nor *Kendriya Marg Darshak Mandal* was a registered body having any legal personality, but were simply associations of individuals.

123.10. The BJP had joined the Ayodhya movement openly, on the express request of Paramhans Ramchander Dass in association with RSS and the *Hindu Mahasabha*, while earlier their support was covert.

123.11. Paramhans Ramchander Dass⁵²⁸ the self-proclaimed epicentre of movement stated that *Sadhus Samaj*, RSS and *Hindu Mahasabha* carried the movement earlier. RN Srivastava⁵²⁹, District Magistrate, admitted that VHP is an allied

⁵²⁷ CW10

⁵²⁸ DW11

⁵²⁹ CW30

organization of BJP. It may be observed here, as referred elsewhere in this report, that almost all the prominent leaders of various organizations, be it VHP or *Bajrang Dal* etc., are either part of RSS or had been so earlier. It is also well known and often stated by the various icons of the BJP including AB Vajpayee, the former Prime Minister, that once a person becomes an RSS Swayamsevak, he continues to be one for the rest of his life, though he may not be an active participant in the day to day activities of the RSS or may have joined another Parivar organization. The RSS had its own definite philosophy of *Hindutva*, Hindu Rashtra and cultural nationalism since its inception in 1925 and preached as such to counter the demands of the Muslims movements before partition or keep alive the premises of cleavage amongst the two communities. RSS in order to secure a political support floated a political party named as *Jan Sangh* which transformed into the BJP.

123.12. The BJP was undoubtedly and demonstrably yet another organizational unit of the RSS. A number of other organizations had been floated either by the RSS itself or by its associates or its leaders for the achievement of various objects. The immediate purpose and stated objective of each of these organizational units was distinct, yet each was part of the larger objective and played its specific role therein. Despite the formally separate legal entity of each of these groupings, they were a part of the functional whole and were controlled and managed exclusively by RSS or ex-RSS leaders⁵³⁰. All these frontal organizations of RSS, including the *Bharatiya Kisan Sangh*, *Akhil Bhartiya Vidyarthi Parishad*, VHP etc. operated within a distinct sphere of

⁵³⁰ See the statement of KS Sudarshan CW18.

politics, religion, social life etc. but consistently towards the goal set for them by the RSS leadership, and thereby achieve the objectives of the RSS.

123.13. It was not disputed that Jan Sangh later became the BJP - the present political party. It was admitted before the Commission that the thought and philosophy of BJP are *para materia* with that of RSS and there had been no deviation in it ever since inception of the RSS⁵³¹. BJP was essentially the political aspect or manifestation of the RSS which itself claimed to be a social organization. Each of the other units, organizations, associations etc. mentioned as a part of the Sangh Parivar or otherwise were manifestations of the RSS in individual niche areas or areas of activity, designed or ordained by it.

123.14. The All India Babri Masjid Action Committee (AIBMAC), without even any member of the Muslim community from Ayodhya, was constituted to oppose the claim of the protagonists of temple movement as a consequence of the order for opening of locks in 1986. Opening of the locks was challenged in public meetings by persons like Syed Shahabuddin as well as through various other means adopted by the AIBMAC. Various other Muslim organizations started coordinating with it. The Muslims developed a vested interest in agitating their minority status while others evolved counter interest in the power game by perpetuating the cleavage. Tension, exacerbated by power, poverty, class and ethnic differences erupted in violence.

⁵³¹ See the statement of KS Sudarshan.

124. The prominent individuals and their link with the RSS

- 124.1. Vinay Katiyar⁵³² admitted to being an RSS *Pracharak* from 1977 to 1982. He maintained his contact with the RSS; Ayodhya became his sphere of activity after 1983. One need not go too far to unveil the nature of his work in Ayodhya. He has clearly expressed his staunch beliefs against the Muslims as a community. He has a dominating, dictatorial and obstinate character which is obvious from his own admission when he proclaimed even before this Commission on oath that the *Bajrang Dal* was his personal fiefdom. He stated that, “as for me, as the *Bajrang Dal* chief, might is the only law I understand. Where there is might, the law is silent.”
- 124.2. Vinay Katiyar was not above telling lies even for insignificant facts like the coming of BJP etc. leaders to his house on the morning of the 6th of December 1992 before going to the *Ram Janambhoomi – Babri Masjid* complex – despite the fact that this fact had already been admitted by every one of the leaders of the movement who had assembled there that morning.
- 124.3. He had no compunctions in stating on oath that Paramhans Ramchander Dass or the VHP or even the RSS had nothing to do with *Bajrang Dal*, though later when it suited him he accepted that *Bajrang Dal* was floated with the blessings of Paramhans Ramchander Dass in his *Akhara* and that it was Paramhans Ramchander Dass who used to make the decisions, including

⁵³² CW25

policy decisions, and that they used to work under his direction according to their capacity.

124.4. Prominent leaders like Ashok Singhal, Giriraj Kishore, and Paramhans Ramchander Dass etc. admitted that *Bajrang Dal* was the youth wing of the VHP and a part and parcel of it. People could be shifted between the *Bajrang Dal* and RSS at will.

124.5. Vinay Katiyar was at pains to establish that he is a tough man, unshakeable in his beliefs and methods and well aware of the implications and purpose of his actions. As an educated person from a political background, he was capable of carrying out his intentions, including as a rumour monger, with little regard to the consequences, for the nation or otherwise. He was proved to be a liar for the various reasons spelled out in this report.

124.6. He further stated that *Bajrang Dal* was a disciplined force and acted under his orders. On a suggestion of the commission that, "*will it be right to assume that all office bearers or followers of Bajrang Dal are people of young age and inexperienced*", he answered that in *the younger age they are wise people being the followers of Hanuman*.

124.7. Paramhans Ram Chander Dass stated before this Commission, "*since we were of the opinion that the movement cannot succeed without the participation of a party at the national level, hence RSS, VHP and believers in Hinduism alone were requested to do so*" He stated that the decision to involve and use the BJP was made in and around 85. It is apparent that the movement did not gain any

momentum before the BJP joined the movement and which was done officially through its resolution in 1989.

124.8. Paramhans Ramchander Dass had declared his intention of going on a hunger strike in support of his demand for opening the locks. Shabudin stated that in *Tala Kholo* movement leaders of the VHP and organization affiliated with RSS hailed the opening of locks; the RSS assured support for the movement or any other related programmes. In the process RSS came forward openly to support the demand for construction of temple though earlier it had stayed in the background with its tacit or sometimes open support to its own movement carried out through its frontal organizations, associates or people under its control or influence.

124.9. It was recorded in official record that RSS meeting sometime in July 1989 was addressed by Bala Sahib Devras, Rajinder Singh, Jana Ji Bhagwat, and HV Sheshadri. Ram Janambhoomi where Ayodhya issue was declared to be challenge to RSS. It was said that RSS is the only institution that can organized all of Hindus by organizing them politically. Guru Dakshna was asked to be contributed for construction of temple⁵³³.

124.10. Arvind Goyal attributed to Murli Manohar Joshi the statement that “*central forces are committing antisocial activities – even if the court decision goes against them, Mandir would be constructed*”. He further referred to the statement of LK Advani “*courts cannot cross the boundary of people's will and at times law can be broken – Ayodhya matter is not of law but associated with the people's sentiments*”

⁵³³ See file no 14.200/36/90

and we respect them more than courts". Almost similar arguments were put forth in the statement of LK Advani before me. To the same effect was the statement of Mahant Avidyanath, one time leader of the Hindu Mahasabha, though it was more defiant and assertive with respect to the courts' consideration of the matter. I may observe here that he never became a formal party to any litigation nor raised any such question in any other forum. He leaves an impression that his assertions are nothing but the parroted stand passed on by articulating those of the icons and he has only attempted to put the same in his own words.

124.11. Ashok Singhal, Acharya Vamdev, Vinay Katiyar, Chinmayanand, Acharya Giriraj Kishore, Mahant Avidyanath etc. used to assert that they were not bound by the courts order or of the Supreme Court rather they were bound by the directions of *Sadhus* and *Sants*⁵³⁴. Mahant Avidya Nath stated that no agitation is successful unless laws are violated and further stated *Karseva* would be carried out as in July. Parmod Mahajan said that whosoever comes before *Ram*, dies *Ravan's* death. Advani attempted to explain that the theory of pitting *Babar* against *Ram* was in the context of Jinnah's saying *Hindu India* and *Muslim India*, which forced partition of the Country in 1947.

124.12. SP Gaur stated that Shiv Sena had declared, "*VHP, RSS, BJP, and Bajrang Dal had come from Congress and want to establish secular state. Shiv Sena will separately perform Karseva.*" Similarly Acharya Dharminder Dev stated that while he was persuading *Karsevaks* not to demolish the disputed structure,

⁵³⁴ Affirmed by Jha CGW5.

some *Karsevaks*, *Sadhus* and *Sants* said, "*we have not come here to eat Halwa Puri, we have departed from our homes to face firing.*"

124.13. Prominent leaders of *Karseva* like Ashok Singhal, Vinay Katiyar, Paramhans Ramchander Dass, Acharya Vamdev, Acharya Giriraj Kishore, Acharya Dharminder Dev, and Swami Chinmayanand etc. are on record having made similarly provocative comments.

124.14. KS Sudarshan admitted that the Chabutra was built in July 1992 in violation of the orders of the Supreme Court. He said it was done so that the people should know that the construction work had commenced. It categorically made clear that the State Government was not only supporting the movement but also by participating in it through its financial resources or forces and by turning a blind eye to the administration's complicity in furthering the promises made in the election manifesto. The state would not use force against the *Karsevaks* and would provide all facilities for construction of the temple at the disputed site. The state or the party governing as well as the political executive made all efforts through all the means at their disposal to veil their intentions and actions. Their actions were in stark contrast to their public stance.

124.15. Uma Bharti stated that on the 6th of December, she had tried to persuade the *Karsevaks* to descend from the disputed structure and desist from demolishing it. She said that instead they refused to do so and refused to

recognize her or accept her authority as a leader, taunting her "*Challiya Challiya*". Parbhat Kumar corroborated these facts⁵³⁵.

124.16. It may be mentioned that LK Advani stated that the work amongst BJP leaders was distributed keeping in view the leaders' capabilities and to direct and control the actions of the *Karsevaks*. Similar statements were made by Ashok Singhal and Kalraj Mishra.

124.17. Vinay Katiyar stated, "*Karseva would be carried out on 6th December and if the courts orders are violated there is no worry.*" Rakesh Sinha, Arvind Narain Dass⁵³⁶, Abdulah Nasir⁵³⁷, Raman Kirpal⁵³⁸ etc stated that the Shiv Sena had also proclaimed that the Karseva would be carried out. Vishnu Hari Dalmia had proclaimed that, "*Babar demolished temple we will demolish the mosque.*" These assertions of the president of the Vishva Hindu Parishad run contrary to the later articulated assertions, which were not accepted by the nation as such. One may also refer to the statement of Vinay Katiyar who even objected to the reference to the disputed structure as a Mosque.

124.18. SB Chavan⁵³⁹ stated that after the demolition, Kalyan Singh was hailed as the hero responsible for it. He referred to Kalyan Singh's proclamation that he could commit contempt of the orders of the Supreme Court, but not of lord Ram. He further stated that Kalyan Singh called Ayodhya the symbol of the

⁵³⁵ *vide* CW 16/22

⁵³⁶ CGW52

⁵³⁷ CGW 20

⁵³⁸ CW 24

⁵³⁹ CW4

nation's dignity and emotional integrity⁵⁴⁰. He also stated that merely two days after denying any move to acquire the land, Kalyan Singh ordered the acquisition of the *Nazool* land for the purposes of tourism, which was later leased out for the construction of the temple. This acquisition was later held by the Supreme Court to be malafide and for ulterior purposes.

124.19. Madhav Godbole⁵⁴¹ opined that the demolition was the culmination of the efforts of leaders like Murli Manohar Joshi, LK Advani, Uma Bharti, KS Sudarshan, Vamdev, Acharya Giri Raj Kishore, Ashok Singhal, Vinay Katiyar, Param Hans Ram Chander Das, Acharya Dharminder Dev, Sadhvi Ritambra, Swami Chinmaya Nand, Tagodia, Parmod Mahajan, and HV Sheshadri.

124.20. Acharya Giriraj Kishore stated that trained RSS workers were more trustworthy and they used to persuade and bring the *Karsevaks* to Ayodhya. DB Roy SSP Faizabad accepted being a political person and stated that the object of the *Hindu Mahasabha* was to unite the Hindu world, remove caste, and carry forward *Hindutva*. He further stated that he did not like the partition of the country and warned that Hindus were being reduced to a minority and India would soon be a Muslim dominated country. He also expressed his belief in the theory of *Akhand Bharat*. In a similar strain Avidyanath citing the census of 1980-1991 which suggests that the increase of population of Hindus was 23% while the Muslim population increased by

⁵⁴⁰ See CW 4/9

⁵⁴¹ CW13

33%, warned that meaningful steps were required to be taken so that the Hindus were not reduced to a minority.

124.21. He stated that the Muslim and Christian religions were foreign to India and that one was to live in this country, one had to be a *Ram Bhagat*. He lamented that where ever Hindus were in minority, they were not allowed to live in peace, or were forced to convert to some other religion. He asserted that the partition of the country which took place to solve the problem of Hindus and Muslims had not resolved it and a complete solution was possible only if all the Muslims were sent to Pakistan. He declared that the Muslims, in order to remain in India had to abandon Islam and live in the country as Hindus. Vinay Katiyar affirmed the political philosophy and the definitions of *Hindu* and *Hindutva* as preached by Savarkar and stated that there was no change in it ever since. He desired that political philosophy to be read as a part of his statement. Murli Manohar Joshi defined *Hindutva* as a way of life and not as a way of worship. He stated that the Ayodhya dispute was perceived to be one between the Hindus and Muslims and that it had a potential for disrupting national unity. He further differed with what he dubbed *pseudo secularism* and empathized with the notion that “*in theocratic countries, state and religion are governed by the same authority and people are expected to follow the religion of state. The minorities are to live with some adjustments with majority religion*”. He stated that nationalism was a western political concept; the Indian way to believe in cultural nationalism and not geographical nationalism.

124.22. DB Roy stated that the lessons learnt from the incidents of 1990 were, that political parties and leaders were aggravating the problem due to the electoral considerations. It obviously supports the thought of using carrot and stick policy for awakening and uniting Hindus' religious force politically. The very thought not only opens the wounds of the partition but also creates an atmosphere of communal cleavage by provoking fear in the minority religions and a sense of insecurity. It is a crude attempt to make a mockery of the constitution which not only provides protection to the minorities but also confers a right on them to participate in governance. The constitutional provisions are not only ridiculed but they also encroach on fundamental rights and secularism – the prerequisites for governance of any society. Roy also stated that the courts were taking too long to decide the matters which had critical national significance. He accepted that the primary decision makers about the Ayodhya were the Principal Secretary Home, the DGP, Additional DGP Intelligence, IG security, IG Lucknow zone, DIG, Commissioner, the Chief Minister, Brahm Dutt Divedi, Lalji Tandon, Jagdambica Paul, Sifti Rizivi, Anand Rizivi, Avaidyanath, Paramhans Ramchander Dass, Ashok Singhal, Giriraj Kishore, Champat Rai, Vinay Katiyar, Onkar Bhava, Uma Bharti, Vijay Raja Scindia, Chinmayanand, Sadhivi Ritambra, HV Sheshadri, KS Sudarshan and some others.

124.23. The prominent leaders or champions of the movement and others present on the spot on the 6th of December 1992 included Acharya Dharmender Dev, Acharya Giriraj Kishore, Ashok Singhal, Badri Nath Toshniwal, Baikunth Lal Sharma, Bala Sahib Thakray, BB Toshniwal, Brahm Dutt Dwiwedi,

Champat Rai, SP Gaur, DP Toshniwal, Day Dayal Khanna, SVM Tripathi, Dharinder Bhramchari, Ram Vilas Vedanti, Govindacharya, HV Sheshadhari, AK Saran (IG Lucknow zone), CK Malik (IG Security), CD Kainth (IG PAC), Jai Bhagwan Pawaria, KS Sudershan, Kalraj Mishra, Kalyan Singh, Khushabhau Thakrey, LK Advani, Lalji Tandon, Lalit Kishore (Minister), Lalu Singh Chauhan, Laloo Singh (MLA), Mahant Aavidyanath, Mahant Nritya Gopal Das, Mahant Paramhans Ramchander Das, Mahant Raghubir Das, Makhoo Singh, Moreshwar Save, Morepanth Pingle, Murli Manohar Joshi, Om Parkash, Onkar Bhawe, Pramod Mahajan, Parveen Togadia, Peeyush Srivastava, Parbhat Kumar (PS Home), Professor Rajinder Singh, Rajinder Gupta, Ram Kawal Das, Ram Kishan Agnihotri, Ram Vilas Das Vedanti, Ramanujam, Rao Priya Darshi (MLA), RN Srivastava, Sadhivi Rithambhra, Sakshiji Maharaj, Sharad Sharma, Sri Chander Dixit, Sikander Bakht, SP Shahi (Minister), DB Roy (SSP), Sunder Singh Bhandari, Surya Pratap Singh, Swami Chinmayanand, Swami Vamdevji, Uma Bharti, Uma Nath Singh (Minister), Vijay Raje Scindia, Vinay Katiyar, Vishnu Hari Dalmia, Sri Ram Dwivedi alongwith other ministers, *Sadhus* and *Sants* etc.

124.24. Vinay Katiyar stated that the *Sangarsh Samiti* constituted of Paramhans Ramchander Dass, Vam Dave Ji, Gorakhnath Peethh, Aavidyanath, Jagadguru Sankracharya, Swami Shanta Ji, Nritya Gopal Das, etc. who might have been members of the *Marg Darshak Mandal*. The decision of *Dharam Sansad* used to be taken by Paramhans Ram Chander, Nritya Gopal Dass and Vam Devji etc.

124.25. Acharya Giriraj Kishore said " *we want to install government in Delhi that will help liberate shrines*" NC Pandhi⁵⁴² stated that RSS had a long term plan to demolish the structure and that various steps for attaining this objective had been taken which included the opening of the locks, *Shilanyas*, etc.

124.26. Meetings used to be addressed regularly by the VHP leaders, *Dharmaaharyas* and the leaders of the RSS. Sanjay Kaw⁵⁴³ stated one Jaggi informed him that this time arrangements have been made by RSS and they have finalized the *ran neeti*, i.e. the planning.

124.27. Sakshiji Maharaj⁵⁴⁴ told Kumkum Chadha⁵⁴⁵ that the BJP may say anything for the record but the reality was something else; like in the case of the *Babri Masjid*, when they gave an assurance that they will not touch it, but went ahead and demolished it *as we had no other way out*.

124.28. RN Srivastava District Magistrate stated that subject of the situation in Ayodhya was with Brahm Dutt Divedi, Lalji Tandon who were Ministers. Mainly Vinay Katiyar, Laloo Singh, Chauhan, Pawn Pandey, other ministers and chief Minister were involved in *Karseva* in 1992.

124.29. RN Srivastava also admitted the meeting on the morning of the 6th of December 1992, of Vinay Katiyar, LK Advani, Murli Manohar Joshi, Giriraj Kishore, Uma Bharti, Sadhivi Ritambra at the house of Vinay Katiyar,

⁵⁴² CGW32

⁵⁴³ CW28

⁵⁴⁴ CW8

⁵⁴⁵ CGW 17

though such a meeting was denied by Vinay Katiyar. He admitted that Champat Rai was the local in charge of administration for day-to-day working of the construction of the temple at the site of the disputed structure. He was permanently based in Ayodhya. He declared adopting of guerrilla strategy on sixth of December 1992. It is he who used to interact whenever we used to call him, which was often. He admitted of having reports about unrestrained and inflammatory speeches *inter alia* by the middle and lower rung of leaders. He stated that Sadhivi Ritambra, Pawan Pandey, Paramhans Ramchander Dass, Nritya Gopal Das, Giriraj Kishore, Mahant Avidyanath were well known as fiery speakers and for pro-Hindu speeches which could injure others. He admitted playing of provocative tapes of speeches of Uma Bharti and Sadhvi Ritambra. SSP and local intelligence unit had the tapes which were neither produced before this Commission nor could be obtained despite efforts.

125. The methods employed

125.1. DB Roy⁵⁴⁶ admitted that the *Karsevaks* were called for karseva in anticipation of the State Government putting hurdles in the karseva or the programs meant for mobilizing etc. They were accommodated in the Hindu dominated and sympathizing villages around Ayodhya. They were asked to converge to Ayodhya as per expediency and need of the leaders. They were deployed in the Ram Janambhoomi complex, Ayodhya or across the nation by the RSS, BJP, VHP and the Shiv Sena. He stated that the BJP, *Bajrang Dal* and the RSS are the same; the leaders of VHP are from RSS. The Ayodhya issue was used for rallying Hindus and politically awakening them at a time when it was perceived by them that the Congress party was on the wane. He admitted that though communal politics had been around for long, Hindu nationalism had now arrived on the political scene.

125.2. Various *Rath Yatras* and other steps were taken by Mahant Paramhans Ramchander Dass, the VHP and others for the karseva and related programmes. Giriraj Kishore admitted that *Bajrang Dal* had been participating in *Rath Yatras*. These were intended for “awakening” Hindus in the Hindi speaking belt by small time local self-proclaimed religious leaders or pedestrian political leaders. It met with no success. He admitted that the movement acquired momentum only after the BJP joined it. Shabudin corroborated this.

⁵⁴⁶ CW7

- 125.3. Without expressing any opinion on the genuineness or the truthfulness of the claim, this Commission is of the view that the history was and is being used to enhance and perpetuate fissiparous feelings amongst the two major religious communities thereby widening the cleavage.
- 125.4. Finding the issue to be electorally convenient, the BJP came openly supported the demand for construction of the temple. The official resolution to support the movement by BJP was passed at Palampur in June 1989. It was alleged in the resolution, that the Congress party had launched a campaign against BJP and VHP to secure Muslim votes. The BJP perceived that the Congress was taking an anti-Hindu stand under the veneer of secularism; the Congress and other political parties had betrayed the sentiments of the overwhelming majority i.e. Hindus. It was felt and expressed that the Congress had been showing a lax attitude towards the Ayodhya issue and hence the BJP and VHP had to represent the Hindu point of view.
- 125.5. It was also alleged that given the nature of the controversy, it could not be sorted out by a court of law. It was observed that Muslims had not been offering their prayers at the site since 1936, while Hindus have been performing Puja in the disputed structure regularly. It was also stated that secularism had become a euphemism for Hindu baiting and a synonym for minority appeasement. Reference was made to the restoration of Somnath temple. It was asserted that secularism had become allergic to Hinduism.
- 125.6. The Shah Bano case was cited as an example of the new militancy and aggressiveness exhibited by the Muslim lobby. The panic stricken

government had amended the criminal law. Assault was mounted on the decision of opening of locks. Attempts were being made to sweep issues beneath the carpet.

- 125.7. Other sentiments expressed at Palampur included that India's options for the extant constitutional form of government, against the background of the partition of the country on religious grounds, granted equality to all the citizens irrespective of their religion. Secularism was defined in the resolution as according to the constitution makers meant *Sarva Dharma Sama Bhawe* and did not denote an irreligious state. Asking the government to respect the sentiments of the people, *Ram Janamsthan* was demanded to be handed over to Hindus either through negotiations or by legislation.
- 125.8. LK Advani admitted that it was thought, that when Congress decided on the vote-bank-policy to support AIBMC then it was acceptable to facilitate the construction of the temple by supporting the RSS openly.
- 125.9. VP Singh affirmed that the BJP took the position that they could not and would not submit to the court's judgment since it was not a justiciable issue; it would not change the decision of building the temple at the disputed site. He further stated that *Bajrang Dal* distributed *Trishuls* and declared that they would not abide by the courts order. It would be obviously inflammatory and politically inexpedient to attempt to promote one religion over the other or at its expense. It would not even grasp, let alone respond to features of constitutional secularism nurtured by society. By the end of 1989, the party

began its campaign from Ayodhya after working out an agreement with a motley crowd of *Sadhus Sants* and other religious extremists.

125.10. The demand for possession of disputed structure evolved into a demand for the construction of a grand temple. It became a prominent demand in continuation and extension of the already ongoing movement with respect to Mathura and Kashi temples. Sakshiji Maharaj⁵⁴⁷ admitted that it was perceived that construction of temple would start when BJP comes in power at the centre. It was admitted by almost one and all that the issue totally acquired a political nature by December 1992; especially after BJP and other political parties decided to support it. BJP made the demand for construction of the temple as its main election manifesto. They proclaimed their electoral success was due to the issue and their support for it. DB Roy, Giri Raj Kishore etc. admitted that the issue was used for rallying and political awakening of Hindus, which is one of the objectives of RSS.

125.11. LK Advani stated that while deciding how BJP could contribute to this movement, the *Rath Yatra* was conceived. He stated that the Rath Yatra was a conceptual innovation for a short kind of perception of Indian history. It was considered and generally accepted by the Indian masses that it was a religious symbol of the pantheon of Hindu Gods. He said that seeing the response to *Rath Yatra* and reverence bestowed which is normally bestowed on religious leaders, he realized the truth in the saying of Swami Vivekananda "*Religion is the soul of India*" though, he used to say, it is not a religious campaign.

⁵⁴⁷ DW8

125.12. He accepted that RSS communicated the message of nationalism through a religious idiom. It was considered to be an effective device for mass contact, mobilization and education. He further stated that they aimed at strengthening nationalism and commitment to values of public life, social harmony resulting in mobilization of public opinion which would strengthen the cause of nationalism. Para Materia was the concept of the protagonists of the temple construction movement or the members of the Sangh Parivar. The concept was carried out by the members and leaders of the movement in letter and spirit on the ground and in practice.

125.13. The Supreme Court observed that what had happened on the 6th of December 1992 was not ordinary event but was an outcome of a sustained campaign carried out for years throughout country, the result of speeches, acts and deeds of leaders of BJP etc. with serious repercussions all over. Situations of such dimensions including social, religious, and political and of international ramifications and unification arose rarely in the life of a nation. The BJP government could not disassociate itself from the action as the government was controlled by the same party whose leaders were actively campaigning for demolition.

125.14. It was observed by one Histon Kramer, *"the whole movement was firstly to discredit the secularism and then do away with what in our most exalted artistic and humanistic traditions, may be seen offer resistance either directly or by implication to the total politicization of culture and life. The assault is at the bottom political, no matter under what other temporary banners the assault may at*

times be mounted and regardless of what unexceptionable virtues it may at times be mounted in the name of it"

125.15. The possession of the disputed site was made a contentious issue by the vested interests in the Hindu and the Muslim community. In the beginning, it was not even a religious issue but later the politicians, under the guise of social messiahs or the protectors of Hindu religion, jumped in to it with a view to get Hindu votes. From a perusal of the various suits filed in the courts, it emerges that the main relief claimed was the collection of offerings at the Ram Chabutra though the verbiage was couched or wrapped in the prayer for various declarations, injunctions or removal of the receiver or for possession of the site. The civil litigation was kept alive in one form or the other despite the observations of Col. Chalmers made in a suit that changing the status is fraught with dangerous repercussions. He held that the remedy would be more harmful than the wrong originally committed. These observations are specifically relied upon by the protagonists of the movement. They are mentioned even in the BJP's white paper. The assertion of KS Sudarshan with respect to the movement of people or finding it an expression with respect to social conditions cannot be accepted as the issue of the so called religious sentiments for obvious reasons that all the demands etc. remained dormant amongst the most respected leaders and the masses. LK Advani stated that politics was another instrument of strengthening nationalism and commitment to values in public life.

125.16. LK Advani had, as far back as July 1989, stated that controversy was not between a mosque and a temple; had it been so, it would have been

intractable. The people campaigning for *Babri Masjid* do not want the country to choose between Mosque and Mandir; they are pitting *Babar* against *Ram*. KS Sudarshan called it a peoples' movement, a movement wherein the people's sentiments found expression with respect to social culture and religious facets. It was admitted by almost one and all that the issue had been completely politicized by the Sixth of December 1992.

125.17. Despite the various objects/reasons spelled out in the BJP resolution to support the temple construction movement and the object of *Rath Yatra*, yet prominent leaders like Mahant Avidyanath⁵⁴⁸ and D.B. Roy⁵⁴⁹ not only perceived but also spelled out that the object of *Rath Yatra* from Somnath to Ayodhya was to give a reply to the proposal of VP Singh for reservation for OBC as a vote bank policy. He said it was to assure the Hindu Samaj that everybody is not dependent on VP Singh; BJP is there to lead. Therefore to awaken and unite the Hindus and teach a lesson to VP Singh *Rath Yatra* was organized. Support to VP Singh government was withdrawn which therefore fell. This narration corroborates VP Singh's perception and his statement that he was told that by implementing the reservation he had assured scheduled caste votes, declaring a holiday for Mohamed Sahib he had ensured the sympathy of Muslims and nothing was left for BJP to encash politically.

125.18. LK Advani stated that this issue acquired the nature of political movement and that the objectives of the *Rath Yatra* taken out in 1990 were the awakening the Hindus about the dispute, spreading the view point of BJP,

⁵⁴⁸ CW31

⁵⁴⁹ CW7

awakening the people politically and lastly the initiation of a debate on secularism.

125.19. It emerged from the other evidence led on record including the statements of other leaders that the object of *Rath Yatra* was for mob mobilization. Acharya Giri Raj Kishore⁵⁵⁰ stated that planning was done to reconstruct Ram Janam Bhoomi temple earlier demolished by Baber, by awakening the self-respect of Hindus, the object for which *Rath Yatra* was taken out.

125.20. Political parties, and other self proclaimed social organizations having their roots in RSS or believing in its philosophies were looking for an issue for electoral success to obtain majority in parliament or other legislative institutions of the state or to suit their political agenda. Without bothering about or realizing the consequences of the happenings and the ground realities, mixed religion with politics. To achieve the patent object and the hidden agenda, BJP supported by other protagonists, may it be a social organization or a political party, started mobilization for temple construction movement.

125.21. During the movement for possession of the disputed site and the construction of the temple, the state or other governments did nothing to discourage political mobilization on the basis of religion. The participating states for mobilization were the states where BJP or its allied parties were in power and governing the state and thus the leadership of the movement was

⁵⁵⁰ CW28

fully conscience of what was at stake – the campaign was a joint common enterprise of the state and the organizers of the movement.

125.22. Mobilization for construction of the temple at the site of the disputed structure, while keeping the real object of acquiring political power concealed from the people, was carried out almost till the demolition of the disputed structure. There is no gainsaying that mobilization by the icons and other articulate leaders was mounted by using the right words for using religion for political ends since demonstrably religion is very effective and attractive instrument to wield as its fall back is on others and not on the leaders who usually succeed in building their leadership and empowerment.

125.23. Civil servants, including those from the police and other services used the opportunity as a launching pad for their own political careers or to curry favour for appropriate postings or promotions. As examples, it may be noticed that election were contested by KK Nayyar once a district magistrate of Ayodhya; similarly the person holding the post of SSP Ayodhya on the fateful day had later achieved his political ambition by contesting parliamentary election successfully and succeeded in acquiring political glory.

126. The use of slogans as war cries

126.1. The slogan was one of the chosen means to reach out to the common man and rally him around to the cause of Ayodhya. Using carefully worded chants specifically crafted to arouse particular sentiments in people, the leaders of the movement were able to reach out and convince the common man to become a rabid *Karsevak*. The effectiveness of the shouted word was writ large not only over the situation on the 6th of December, but also in the events spanning several years, leading up to that day.

126.2. From a perusal of the statements of Peeyush Srivastava⁵⁵¹, V.K. Sexena⁵⁵², Surinder Yadav⁵⁵³, Deen Dayal Gupta⁵⁵⁴, Mark Tully⁵⁵⁵, J.D Bisht⁵⁵⁶, Rakesh Sinha⁵⁵⁷, Raman Kirpal⁵⁵⁸, Din Dayal Gupta⁵⁵⁹, Acharya Dharmendra Dev, P Shukla⁵⁶⁰, journalist Jha⁵⁶¹ etc, from the banners displayed at the boat club meeting and at other places, from CDs, or from the photographs, video

⁵⁵¹ CGW10

⁵⁵² CGW19

⁵⁵³ CGW 34

⁵⁵⁴ DW2

⁵⁵⁵ CW1

⁵⁵⁶ CGW6

⁵⁵⁷ CGW 19

⁵⁵⁸ CGW 24

⁵⁵⁹ DW2

⁵⁶⁰ CGW 4

⁵⁶¹ CGW 5

cassettes etc produced before the Commission, and slogans published in the media it is evident that various provocative slogan pregnant with meanings or carrying various messages were raised instilling hatred towards a particular community or their ancestors. They were effectively “uniting” the Hindu religious people against the Muslims.

126.3. Paramhans Ram Chander Dass⁵⁶² admitted in his statement and affirmed that provocative slogans were raised on the 6th of December and earlier, and published in media. Some of these slogans were:

126.3.1. *"Ram Lalla Hum Aye Hain, Mandir Yahin Banayenga"*

126.3.2. *"Ek Dhaka Aur Do, Masjid Tor do"*

126.3.3. *"Hindi, Hindu Hindustan, rest go to Pakistan",*

126.3.4. *"Bacha Bacha Ram Ka, Janam Bhoomi Ke Kaam Ka"*

126.3.5. *"Jis Hindu Ka Khoon Na Khola, Who Paani Hay Jo Janam Bhoomi Ke Kaam Na Aye Who Bakar Jawani Hay"*

126.3.6. *"Saugandh Ram Ki Khate Hen Mandir Yahin Banayenga",*

126.3.7. *"Ab To Bhagwan Lebraga Sara Pakistan Per"*

126.3.8. *"Bomb Banao, Bomb girao Pakistan per"*

126.3.9. *"Jab Katwa Kate Jayange, Ram Ram Chillanyengaa"*⁵⁶³

⁵⁶² DW 11

⁵⁶³ Jha CGW5

126.3.10. “*Mitti Nahin Khiskayenge, Dhancha Tod Kar Jayange*”

126.3.11. “*Sarkar Savdhan, Kendar Sarkar*”

126.3.12. “*Jo Hindu Hith Ki Batt Karega, Wohi Desha Par Raj Karega*”

126.4. LK Advani tried to explain the phrases *Ram Bhakti* and *Lok Shakti*; and stated that the slogan oft heard *Jo Hindu Hit Ki Bat Karega Wohi Desh per Raj Karega* was in fact “*Jo Rashtra Hit Ki Bat Karega, Wohi Desh per Raj Karega*”. Thus an attempt was made to explain a communal and provocative slogan as an innocent slogan by substituting one word for another. Still, by this substitution, it does not denude the slogans of their potentially provocative nature as is obvious from the word *Rashtra* which assumes a particular meaning in the context of the RSS’s philosophy consistently preached and propagated. The word *Rashtra* was neither intended, nor understood as its usual dictionary meaning. Other slogans recounted were “*Baber Bolo Jai Sia Ram, Akbar Bolo Jai Sia Ram,*” which was stated to be a parody by Acharya Dharmendra Dev.

126.5. Mukand Padamanabhan and Siraz Sidhva published slogans raised during *Rath Yatra*, which included “*Masjid toro, Mandir banao*”, “*Jab jab Hindu jaga, tab tab mullah bhaaga*” “*Jo Roke Mandir nirman, usko Bhejo Pakistan*”⁵⁶⁴. Some of the leaders denied having raised these slogans. The denial does not carry any weight as they have either made a blanket denial or feigned loss of

⁵⁶⁴ Some of the slogans were published in *Nav Prabhat* published on 4th December 1992 CGW34/5 while some others were printed in CG W 34/6.

memory, even whilst at least some of these slogans were admitted by other leaders and the journalists.

126.6. Painted on one side of the Rath was the prayer "*Raghu Pattit Raja ram, Patti Parwan Sita Ram*" and on the other side there was a picture of Ram and the proposed temple at Ayodhya.

126.7. RN Srivastava⁵⁶⁵ admitted that the slogan, "*Badi khushi ke Batt hai, police hamara Sath hai*" was being raised there. Vinay Katiyar accepted that, "*Jai Shri Ram*" was the slogan of the *Bajrang Dal*. Murli Manohar Joshi accepted that Dattopand Thengli of the *Bhartiya Kisan Sangh* a frontal organization or wing of RSS gave the slogan, "*Bharat Mein Yadi Rhena Hoga, to Jai Shriram Khana Hoga*" although he stated that he did not accept the slogan. He accepted that if the Hindu word in the slogan, "*Hindu hit ki bat Karega*" were to be taken in a religious context it gives a different colour. The word Hindu was referred in the context and text of the movement as religion and not the philosophical meaning attributed to it by courts, as the *way of living*⁵⁶⁶.

126.8. Not unsurprisingly, the leaders of stature as well as the members of the administration categorically denied the raising of the slogans on the 6th of December or pleaded amnesia with respect to them.

126.9. It is incomprehensible how the officers at the spot like A.K. Saran IG security, D.B. Roy SSP, RN Srivastava District magistrate etc. refused to

⁵⁶⁵ CW 13

⁵⁶⁶ See the statement of Shukla CGW4, Jha CGW5, Vinay Katiyar, CGW J.D Bisht, district magistrate RN Srivastava and other witnesses.

acknowledge the slogans raised though accepted one or two of them were being raised, particularly when the same can be heard or seen on video cassettes duly produced in evidence before the Commission. Acharya Giriraj admitted slogans were raised by Sadhivi Ritambra. Others including officers present who were from paramilitary forces and journalists who have appeared before me affirmed that slogans were raised when they were cross examined at length. The slogans were published around the time even in the newspapers. Even the District Magistrate RN Srivastava reluctantly admitted that slogans like, "*Har Har Mahadev*" "*Jai Shriram Bhoomi*" "*Badi Khushi Ki Bat hai Police hamara Sath hai*" were raised. Even some of the defence witnesses produced by Kalyan Singh admitted the factum of the slogans being raised.

126.10. One can conclude as an established fact that the slogans were raised as war cries.

126.11. It also emerged that the above referred slogans were raised during the course of movement, during mobilization, and during the course of holding public meetings and in December 1992 at Ayodhya during *Karseva*. Even an innocuous slogan like "Jai Shri Ram" was used as a hostile war cry and in the manner of ancient warriors' usage while going to the battlefield.

126.12. There is sufficient and believable evidence on the record including the statements of Ram Kirpal⁵⁶⁷ and Mark Tully⁵⁶⁸ etc that provocative speeches

⁵⁶⁷ CGW24

⁵⁶⁸ CW 1

were delivered by Uma Bharti, Sadhivi Ritambra, Paramhans Ramchander Dass, Acharya Dharmendra Dev, B. L. Sharma, Ashok Singhal and Vinay Katiyar, Vamdev, Swami Chinmayanand, Mahant Avaidyanath etc.

126.13. Recording of these speeches were freely made available and used to be played in most of the shops⁵⁶⁹. *Karsevaks* were drawing pleasure in making the journalists say, "*Jai Shri Ram*". Militancy was writ large among the *Karsevaks*⁵⁷⁰. Paramhans Ramchander Dass admitted having announced on the public address system, "*demolish the structure you will not get such an opportunity*"

126.14. SPS Sinha affirmed the provocative address by Sadhivi Ritambra. Parkash Singh stated that statements of Ashok Singhal, Vinay Katiyar, Paramhans Ramchander Dass, and Dharminder Dev were rabid and provocative and vitiated the communal atmosphere in the country. Tripathi DGP admitted that speeches made by the middle rung and third rung leaders were contrary to the speeches of some of the pseudo-moderate leaders of the movement. Acharya Giriraj Kishore admitted that everybody gave a speech according to one's own objective. He further stated that *Joshila* speeches were delivered as it was required for controlling the crowd. He admitted the speeches delivered by prominent leaders like Avaidyanath, Acharya Dharminder Devji, Sadhivi Ritambra, Gopal Dass, Vedanti Ji, Vishvesh Tirath Ji, Mahant Chinmayanand Ji, Vasu Deva Nand Ji, Sankracharya Vasudev, Uma Bharti, Paramhans Ramchander Dass, and LK Advani etc.

⁵⁶⁹ Affirmed by Raman Kirpal (CGW24)

⁵⁷⁰ See CGW 24/2

127. The key events

127.1. The events leading up to the 6th of December 1992 have been discussed at length in another part of this report and need not be repeated here.

127.2. However, for the sake of highlighting and pinpointing the threads of the conspiracy or planning, it is worth recounting certain key events.

127.3. The locks of the disputed structure were directed to be opened by the District Judge in 1986 after a demand for it had been raised in 1984. The DM referred to the facts and circumstances leading up to his order in his book which makes interesting reading and reveals the extraneous considerations which influenced the decision. However, this report need not comment on the intentions and motivations of the judge even though they had far reaching consequences.

127.4. After the *Shila Pujan* and *Shilanyas* were declared, the BJP, RSS, VHP, BD and Shiv Sena began to manipulate religion and politics mouthing the right words for subverting religion for political ends. The *Shilanyas* was fixed for 30th of October 1989. Ashok Singhal⁵⁷¹ accepted that the building plan of the proposed temple was drawn up in 1989. Acharya Giriraj Kishore⁵⁷² admitted the object of *Shila Pujan* was awakening of Hindus to seek cooperation for construction of temple. DW11 Ramchander Paramhans Dass

⁵⁷¹ DW9

⁵⁷² CW28

after accepting the plan for construction of the temple stated, “*The construction was to start from Garb Grah in the disputed structure*”.

127.5. The sources of funds for this Ram Janam Bhoomi campaign, as reported in July 1989, included the offerings made to deity during *Rath Yatras*, sale of coupons, subscription vouchers, and financial assistance from RSS funds. The organizers proposed to raise Rs 1.25 from each house throughout the country during Ram *Shila Pujan* programme. Various other leaders like Paramhans Ramchander Dass, Uma Bharati etc. of the VHP organized a *Hindu Samelan* in UK to raise funds. Ashok Singhal pointed out that VHP had funds of eight Crores rupees in its bank account. It used to collect membership fee from its members. VHP used to raise money from sale of VHP literature, or the donation from Hindu sympathizers, businessmen and industrialists as regular donors. The amount was collected first time in 1983-84.

127.6. On prognosis of the evidence on the record, it can be concluded that the gathering of the mob on 6th of December 1992 was the natural consequence of “religious awakening” of Hindus and the communally biased feelings of the hardliner communal Hindus. Another objective was to project the issue as a response to the policy of reservation⁵⁷³ too contributed in collecting of Hindus on the premises of psychology of caste, religion etc. trumped up during this movement. It was perceived that failure of the movement would be result in Hindu organizations losing identity and entity in politics. Even the Home Secretary admitted that call for *Karseva* used to disturb communal harmony. It was officially accepted that communal violence in 1991 at

⁵⁷³ as stated by DB Roy CW7 and Giriraj Kishore CW28

Varanasi was not sudden but had been preplanned by some organization and attempts would be made in future too, though the identity of the blamed organization for reason best-known to the administration were not disclosed.

127.7. The date fixed for Karseva was after Diwali on the 18th of October 1990, the occasion on which people come for various festivals. The RSS sent out the *Karsevaks* to the villages as the state decided not to allow gathering of *Karsevaks* at Ayodhya. It was officially recorded in the notings of various officers. The impact of violence because of Ram Janambhoomi too was officially recorded and felt in Gujarat, Madhya Pradesh, Karnataka, Rajasthan and UK⁵⁷⁴. It was further noticed and recorded that in 1990 security arrangements were deep and wide spread, while in 1992 there were concentrated only around the disputed structure, still it was not possible to control or organize the people present within the security wall. The decision to issue identity badges to local workers was not implemented. It was observed that checking was not possible.

127.8. RN Srivastava, district magistrate on 6th of September 1990 informed the Home Secretary and DGP of the state and others “*it is well known about the Karseva for 30th of October 1990 by VHP, Bajrang Dal, RSS, are main Hindu organizations. BJP, Shiv Sena, Hindu Jagran manch, Hindu Mahasabha etc have decided to completely give the political support to the movement. It has come to our notice that according to the perception of the leaders of VHP and RSS, they have set everything for the success of programme and in case of its failure they believe that Hindu organizations will lose their identity in the politics of the country.*

⁵⁷⁴ See file number 12.200/94/D/91.

Resultantly VHP and RSS have decided to give any type of sacrifice to make the programme success and they are likely to adopt the various tactics⁵⁷⁵".

127.9. It was assessed and perceived that in July 1992 there would be 8000 to 10000 *Sadhus* and *Sants* who would be staying in the disputed complex. There was a possibility of their declaring and commencing the construction of the temple. The apprehension of possible danger to the disputed structure was also felt. It was further noticed and observations were recorded in the official records that the suggestions of Vinay Katiyar for providing walls around the disputed structure were with the dishonest motive to isolate the disputed structure from the sentries for the illegal activity in his mind.

127.10. It was officially recorded that VHP had planned various programmes in 1990 to be undertaken through *Karseva Samities* which were adopted at *Sant Sammellans*. These were 1) Organisation of state, district, block level *Karseva* Samities, 2) celebration of silver Jubilee of VHP and release of magazine, 3) ringing of bells as warning day, 4) lighting of Ram Jyoti at Ayodhya, 5) Sending Ram Jyoti to Varanasi and Mathura, from there to all provinces reaching of it at Vijay Yatra day, 6) organizing a Jan Sankalp Diwas at College gate, 7) starting of Vijay Yatra with Hindu religious leaders in all villages en route lighting the Ram Jyoti in every village, 8) holding of religious ceremonies in villages of starting of Vijay Yatra, covering of all blocks of country, 9) to make contact with the representatives of villages 10) lighting of Jyoti in all houses in villages, 11) Diwali lamps to be lighted from Ram Jyoti, 12) movement of 5000 groups of *Karsevaks* for different places on

⁵⁷⁵ See file number 9 -- 200 (5)D/90.

different dates, 13) programmes of Hindu awakening to be carried out till Vijay Laxmi day, 14) victory procession to be carried out at 250 places, 15) religious fasting at different places to be carried out, 16) RSS workers or *Karsevaks* would try to get oath forms, 17) every group to carry a saffron flag with pictures of lord Ram Chander and of the proposed temple, 18) a group of 2500 *Bajrang Dal* volunteers would be sent to villages on the boundary of Ayodhya six or seven days before, 19) they would go under the veil of *Karsevaks* and stay with *Karsevaks* in temples and would motivate them and prompt their emotions and sentiments.

127.11. It was officially declared in the media that the decision to start the *Karseva* had been taken and there would be no change of it, the court's decision would be irrelevant. RSS leadership felt that there could be prohibition on the movement, and considered how to get the sympathy of Hindus and to carry out their program ahead despite the possible police arrangement.

127.12. It was noted in official record that VHP and *Bajrang Dal* would promote the movement openly and RSS would start working secretly amongst Hindus⁵⁷⁶. The VHP announced the following programme at Allahabad, starting the construction of temple at the disputed site, demolition of a number of temples and the buildings adjoining to the disputed structure, congregation of *Sants* and Mahants, exhorting of *Bajrang Dal* workers addressed from all over the country for converging to Ayodhya, mobilization of *Karsevaks* from every village of India on the pattern of *Shila Pujan*. The posture of the VHP and other members of the Sangh Parivar and *Karsevaks* was militant.

⁵⁷⁶ See file number 9-200(5)D/90

Inflammatory pronouncements were made by leaders and *Sants* resulting in counter hysterical reaction of Muslims. It was officially observed by the government that though in the past the VHP used to declare its programmes in advance, but now the organization and leadership of temple programme having been taken over by the RSS, they have taken a policy decision to start a programme all of a sudden without any prior information or declaration. The officers expressed their doubt that any day at any place in the state they may create confrontation. Construction of temple would commence on 30th October 1990 with the support of Sangh Parivar⁵⁷⁷.

127.13. Home Secretary informed on 18th of October 1991 that Vinay Katiyar, Ashok Singhal, Laloo Singh, Sant Shriram Divedi, continued demolition of the building of Sankat Mochan etc

127.14. KS Sudarshan admitted that people received cooperation from local population in the form of hiding the *Karsevaks* during day time and at night they used to be taken through indirect routes to Ayodhya. The discipline and the strategic methods adopted leads to the inference that they were all RSS *Swayam Sevaks* and were working directly under their control. They used to come to Ayodhya according to the situation created by the state or state administration or the government of the relevant time or the political executive or the movement's expediency, and demand made on them by the organizers of the movement. Giri Raj Kishore admitted that RSS workers / Swayamsevaks were helping the police and these RSS workers were karsevaks too.

⁵⁷⁷ See file number 7/630/GI/90 and 9-200(5) D/90.

127.15. Mahant Paramhans Ramchander Dass, Mahant Avidyanath, Vam Dev Ji, Ashok Singhal, Vinay Katiyar, Mahant Nritya Gopal Das, Jagadguru Ramanujacharyaji Ji, Swami Permanand Ji, Mahant Ram Vilas Vedanti, Prapannacharya, along with *Karsevaks* were present in Ram Janam Bhoomi complex. They told the district magistrate that they were not willing to stop construction at any cost despite orders of courts. The declared objective was the construction of Chabutra for the *Sadhus* for doing Puja; though it was admitted later that the object in fact was the laying foundations for the Singh Dwar.

128. The patent objectives of the movement and the crowds gathered at Ayodhya on the 6th of December 1992

128.1. The object of the government in 1992 in Uttar Pradesh appeared to be of redemption of electoral promise of construction of temple and the mandate given by the people for the same. It could be inferred from the conduct and statements of the leaders that disputed structure would be demolished and temple would be constructed as part of the movement for construction of temple. Thus demolition was inherent in the movement⁵⁷⁸. The observation and perception of the organizers was, *"more restrictions and their implementation, with the same proportion Hindu organization will politically gain and there would be political gain for Hindu organization."* The object and intention of the organizers was apparently to gain politically. It is further corroborated from the admission of KS Sudarshan. It was reported in top level meeting of VHP, RSS, BJP, it was decided that time has come to reset the political agenda of the nation. The movement for the construction of the temple could not be denied to be a step towards resetting the political agenda of the nation in terms of the decision of the VHP, RSS and the BJP.

128.2. It was officially observed in the noting on the record of the State Government that since the incidents of communal violence had increased since 1989, there was fragile communal situation. Elections were said to be contributory factors for it. Police effectiveness was found to be proving

⁵⁷⁸ See the statements of Vinay Katiyar, Vishnu Hari Dalmia, Ashok Singhal, Vam Dave, Chinmayanand etc.

inadequate for activities of Hindu and Muslim communal bodies. Hindu revivalist tendencies and its resurgence were noticed. There was a blatant communal propaganda by BJP and Hindu fundamentalist organizations including the RSS and the Shiv Sena and other Sangh fronts at the grass-root levels, which was within the knowledge of the state government.

- 128.3. Even on *Bajrang Dal Shakti Diksha Samaroh* intemperate speeches with the pledge administered for any sacrifice for construction of the temple at the disputed site were made. Sloganeering created an atmosphere of confrontation. Ashok Singhal used to say “*we have to take Bajrang Dal movement to every Street, village and involve the students to create an environment or ambience for the movement as was at the time of the independence. Opposition would be met by reply of brick for Stone.*”⁵⁷⁹ One Harish Bhai said that if someone laid his hand, it would be cut. Dharminder declared that if any obstruction is raised for bringing Shilas for construction of temple, we will fill the foundations with *mundis* (human heads). Similarly one Parkash Sharma from Delhi exhorted the workers of *Bajrang Dal* that counting the beads of a rosary would not do, some force had to be used for the construction of the temple. Indira Ji from Delhi stated that force of *Hindutva* would attack. In a similar tone Uma Bharati claimed that a woman would come with swords and if somebody created the hindrance his head would be chopped off. Paramhans Ramchander Dass declared that one going against lord Ram is a traitor. He exhorted people for destroying the people against

⁵⁷⁹ See file no 4.200.30/D/89.

Ram and also incited the army to revolt. He further said that anyone not persuaded to join the movement ought to be finished.

- 128.4. It was held out "*BJP firmly believes that construction of Ram temple at Janam Sthan is a symbol of vindication of our cultural heritage and national respect. It is purely a national issue and it will not allow any vested interest to give it a sectarian and communal colour. Hence the party is committed to build Shri Ram temple at Ram Janam Sthan by relocating the superimposed Babri structure with due respect.*" It is an articulated commitment to appease both the religious communities, Hindus and the Muslims. A theory of involving and evoking the sentiments of religious Hindus was spread in the form of a rumour or calumny to rewrite history which may in future acquire legitimacy and authenticity by eliminating the physical signs of the real facts from history. There cannot be two opinions that history cannot be swept under the carpet though it may be suppressed or twisted or kept hidden for some time. It is one thing to learn from the past and another to attempt to rewrite it. There is a famous saying that if one does not learn from history, one is condemned to repeat it. The attempts to draw a parallel between the move for reconstruction of the temple at the disputed site in Ayodhya and the reconstruction of the Somnath Temple are not valid and do not arise except to create a cloud or blanket over one's acts to justify them by loud repeating by a large crowd.

129. The acquisition of the land

129.1. The declared object of the acquisition⁵⁸⁰ was, "*for development of tourism, providing amenities to pilgrims at Ayodhya.*" The Hon'ble Supreme Court held that the object of acquisition was veiled. The courts quashed the acquisition finding it to be malafide and being for extraneous purposes or considerations viz. construction of temple. The acquisition was found to be deceptive.

129.2. The administrative machinery and the bureaucracy collaborated with the political executive or the political party in power for achieving their deceptive agenda for construction of the temple. Apparently acquisition was shown to be distinctly a different public purpose. The bureaucracy articulated the language of the notification for acquisition to serve the hidden agenda of the government in power. During the pendency of the judicial challenge to the acquisition notification, parties were restrained from undertaking or continuing with any construction activity, still construction of the Chabutra and the demolitions of the adjoining temples and shops was carried out by the organizers of the movement with known active connivance and participation of the government and the administration, local and otherwise. The police, political executive, ministers and the Chief Minister Kalyan Singh himself were complicit. The situation at the spot was described and presented with articulation with an intent to ensure a particular result – of fulfilling the promises made in the election manifesto and for personal gains.

⁵⁸⁰ vide notification dated 7th October 1991

A threat was held out to the state about precipitating damage to the disputed structure and of worsening of the situation in other towns. Even when the numbers of the Karsevaks in July 1992 was not more than a few thousand, in a conscious and deliberate attempt to lay the foundation for the later date, orders prohibiting the use of force were passed, even though no such situation had arisen.

129.3. The District Magistrate and SSP D.B. Roy informed the Chief Secretary, principal Home Secretary and the tourism secretary that force may precipitate damage to the disputed structure and the situation in other towns may become tense. The government and administration took the conscious decision not to use force against *Karsevaks* or *Sadhus* and *Sants* or the leaders etc of the movement⁵⁸¹.

⁵⁸¹ See file number 13.200/39/D/92.

130. The subversion of the UP government

130.1. District magistrate RN Srivastava admitted the participation of government in the movement. From the totality of evidence it is established that Paramhans Ramchander Dass, Ashok Singhal, Acharya Giriraj Kishore, Brahm Dutt Divedi, Vam Devji, Mahant Avaidyanath, Vinay Katiyar and Champat Rai were looking after the local affairs of the temple construction movement as well as the construction at the disputed site in Ayodhya. Parkash Singh stated that idols were placed in mosque with the intention and motive to injure the religious feelings and spread communal disharmony. It was officially known, understood, recognized and recorded in 1992 that any mischief or provocation would surcharge the atmosphere. The crowd that converged to Ayodhya used to be, under the spell of religion, trapped along with their leaders in their own hatred towards the disputed structure and obsessed with the election mandate and yearning for coming to power at the centre.

130.2. Succinctly it emerged from the evidence that the PAC was exposed to the religious and provocative speeches. It is apparent from their conduct that they were affected by the religious speeches of the religious leaders and the political speeches of the ideologues or the organizers and did not act at all, either before the assault or thereafter or during it.

130.3. The police, administration and the legislative executive were working in Unison. They were supporting each other under the garb of religious

movement claimed to be under religious leaders most of whom, were from political background. They were representing organizations associated with political parties. The perpetrators of unlawful activity were assured about the police inactivity and their own anonymity at a given point of time.

130.4. The Home Secretary admitted that call for *Karseva* used to create friction between the Hindus and Muslims. He admitted the organizers had planned that the participants in *Karseva* would be registered and given identity cards⁵⁸². The organisers had decided to organize meetings at district level, sub divisional level, block level, and big village's level for eliminating the previous confusion during *Lalkar Divas* week. Undisputedly and even admitted by KS Sudarshan, the logistics of *Karseva* were worked out at RSS headquarters in Delhi.

130.5. No documentary or direct evidence is possible in a conspiracy of this manner, nor unimpeachable and firm evidence of some action of planning of demolition obtainable. Yet it cannot be denied that there are enough circumstances pointing out the kind of planning having been undertaken, by the parties associated with the movement, or the leadership at any level, or by the fanatics supported by the government in power.

130.6. The leadership admitted being mindful of consequences of the damage or demolition of the structure resulting in ethnic violence and religious meddling. There is nothing on the record that the leadership made any efforts to devise means to prevent it and ensure the security of the disputed

⁵⁸² This is corroborated by the statement of Sanjay Kaw.

structure. There is no gainsaying that the Muslims were fragmented and were a minority faced with much larger majority which was being helped by the BJP government of the state.

130.7. The minority was wary of the call of BJP in support of the construction of the temple. There existed a joint common enterprise between Sangh Parivar, organizers of the *Karseva* and the government. The government had systematically divested the police and the administration of its power to use force, despite foreseeable consequences. In the totality of circumstances it is apparent that the policy of the government was neither for maintaining law and order nor for protecting minority rights nor for enforcing court's order's. Governance was being carried out in terms of election manifesto rather than the constitutional obligations.

130.8. The government by its drifting policy, negligence, lack of perception, lack of farsightedness or because of lack of learning from the past experience permitted draconian rule to prevail. The leaders of the movement used the harsh and colourful words with the potential of provoking the *Karsevaks*. The decisions of the police were outrageous and illogical, leading to the inference of preplanning for demolition in view of the temper and menacing proportions of number of *Karsevaks*. The dissemination of information by the police was with the predominant purpose of pleasing the political executive or the bosses who were interested in executing the political manifesto for construction of temple which could not be achieved except after the demolition. Politicians claiming themselves to be the elected representatives were going around and dictating orders to the police and local administration.

- 130.9. V.K. Sexena⁵⁸³ chief secretary stated that party agenda reflects the policy. All the decision in government used to be taken by the Chief Minister and the power to take decision with respect to Ayodhya was never delegated to any other person.
- 130.10. The general impression perceived was that the chief Minister would not hesitate to sacrifice the government for the construction of temple, which he asserted in his declarations and speeches etc. had been decided that no force would be used against *Karsevaks*. Parkash Singh stated that the Chief Minister, in meeting dated 17th of July 1992, ordered against the use of force against *Karsevaks*. Parkash Singh stated the Chief Minister, in meeting dated 17th of July 1992 ordered not to use force against *karsevaks* or their leaders and the protagonists of the temple construction movement.
- 130.11. Belligerent, defiant, militant *Karsevaks* in massive numbers were present in the Ram Janambhoomi complex as well as in Ayodhya and Faizabad and the surrounding villages. Leaders with similar nature or leaders opposed to symbolic *Karseva* were present in the Ram Janambhoomi complex as well as in and around Ayodhya since November 1992. They were exhorted by frenzied leaders present on Ram Katha Kunj and in the *Ram Janambhoomi Babri Masjid* complex which resulted in demolition. Acharya Giriraj Kishore admitted that *Karsevaks* with mob mentality were there. RN Srivastava accepted that attitude of *Karsevaks* was aggressive towards central paramilitary forces. Police, executive, administration, and political executive knowingly, consciously and intentionally ignored the nature of *Karsevaks*.

⁵⁸³ CW13

Political executive had the expectations from the persons dealing with the Ayodhya issue that the policy spelled out in the election manifesto of the government governing the state is achieved on sixth of December 1992.

130.12. It was obvious that the aggressive karsevaks and their leaders were busy in attaining the objective irrespective of means, manner, mode, provocation etc while others kept up the face of carrying out the talks with the Central Government or others concerned with it. It provided an opportunity within the system to suffer from the inadequacy of human resources for providing security for disputed structure or its preservation by positioning with functioning of the numerical force available at the spot so as to make it physically impossible to control the crowd in the surcharged atmosphere. It was recorded in the minutes that SSP apprehended that *Karsevaks* from Delhi, Punjab, Andhra Pradesh, Haryana and Jammu and Kashmir would be emotional. SPS Sinha⁵⁸⁴ stated that aggressive mood of *Karsevaks* was within the knowledge of the government⁵⁸⁵. Parkash Singh CW14 stated that *Karsevaks* were ecstatic for what they were doing. They were imbibed with the spirit and the feeling that their acts were heroic. He affirmed that the crowd was found to be rebellious.

130.13. LK Advani admitted the ecstatic mood of *Karsevaks* and the leaders present on the sixth of December in the Ram Janambhoomi - *Babri Masjid* Complex at Ayodhya and at the Ram Katha Kunj and the surrounding villages. He further accepted his (and others') declaration about the site to be symbol of

⁵⁸⁴ CW12

⁵⁸⁵ See CW 12/20, CW 12/21.

subjugation, and demolition as a symbol of vindication, cultural heritage and national respect. He added that Muslim leaders were misguiding the community by advising them to venerate or respect foreign invaders like Baber, only because he was a Muslim - they should get free from the mentality of the partition.

130.14. Kalyan Singh and other protagonists of temple claimed that the election manifesto of 1991 and 1992 of the BJP was a referendum for construction of temple. The elections of 1991 in U. P. centred on the Ayodhya dispute. It was held out by the leaders as also their workers that their promise to facilitate the construction of temple had won them the election. If this theory or belief of popular mandate was to be accepted, then on the same analogy, the majority of the voters at the national level had not voted for BJP or the political parties supporting the proposed temple construction.

130.15. In other words, others had voted against the construction of the temple. In such a situation returning of the party in majority at state-level cannot be considered as the mandate of the nation for the construction of the temple.

130.16. The police had remained silent and mute spectators. Their role also appears to be of supporting the *Karsevaks*. The fact is corroborated when S.C. Dixit testified that "*PAC and administration proved their blood to be of Hindu and helped us by cooperation*".

130.17. Vinay Katiyar used to state and declare, "*disputed structure would be demolished by sacrificial squads*" It was admitted by Seema Chisti that there was no change in temperament of leaders from as it was seen in July 1992. She

further stated that the demolishers and assaulters were from the Hindi-speaking belt which is contrary to the stand of leadership or of organizers who asserted that they were from south. The video recordings strongly support this conclusion as well.

130.18. Raman Kirpal⁵⁸⁶ stated that major role in blocking the approach Roads to paramilitary forces was of local people of Ayodhya and Faizabad. Similarly, defiant and militant *Karsevaks* were stationed in the villages surrounding Ayodhya. R N Katheriya⁵⁸⁷ admitted that *Karsevaks*, excited and irked to the extent of madness and incited through emotional slogans and speeches, especially by self proclaimed religious leaders who were present at the disputed structure or in the *Ram Janambhoomi - Babri Masjid* complex and the Ram Katha Manch.

130.19. KS Sudarshan admitted the RSS worked for “awakening” Hindu conscience in the entire country . He urged all the patriotic citizens to remove the disputed structure from Ayodhya and to construct the temple. He further asked *Sangh* volunteers to be ready for every type of sacrifice and to participate in erecting an imposing shrine⁵⁸⁸.

130.20. The organizers took no decision to restrict themselves to a symbolic *Karseva* even till the 5th December 1992 though an order of the Supreme Court was there to the same effect. Prabhat Kumar confirmed the resentment amongst *Sadhus, Sants* and *Karsevaks* for a symbolic *Karseva*. This being in the

⁵⁸⁶ CGW24

⁵⁸⁷ DW2

⁵⁸⁸ CW18/16

knowledge of the state, it still provided transport, food etc. for those converging on Ayodhya. The Station Superintendent of UP Road Transport Corporation, Civil Lines Allahabad deployed a fleet of 11 buses especially to take *Karsevaks* to Ayodhya.

130.21. Shekhar Aggarwal⁵⁸⁹ stated about the activity of Tourism Department including the levelling of land, construction of Ram Dewar under the garb of security wall, which undisputedly was the boundary wall of the proposed temple etc.

130.22. Sakshiji Maharaj⁵⁹⁰ stated that a meeting called for 5th of December 1992 was widely attended. It was decided that since BJP was in power in UP therefore symbolic *Karseva* would be carried out. V.K. Sexena stated the state took a policy decision to manage the inflow of *Karsevaks* and provide assistance to various organizations that were organizing them. They did not take the management or the arrangements for management or monitoring the management. Sakshiji Maharaj stated that VHP, Sant Samaj, RSS made security arrangements. The other witnesses from Sangh Parivar evaded commenting on the authorities making any security arrangements, pleading ignorance for the same⁵⁹¹.

130.23. It can be concluded from the statements of Tej Shanker⁵⁹², P. Shukla⁵⁹³ and Rajinder Kumar Swami⁵⁹⁴ that a communally frenzied, emotionally provoked

⁵⁸⁹ DW7

⁵⁹⁰ DW8

⁵⁹¹ See also, statement of Uma Bharti.

⁵⁹² CGW2

and militant crowd of *Karsevaks* demolished the structure and built a makeshift temple. On the eventful day they came from neighbourhoods of disputed structure and surrounding villages where they were staying in pandals pitched on the south eastern corner of the disputed structure. It cannot be believed that the leadership present in Ayodhya prior to sixth of December 1992 or the administration did not know that the *Karsevaks* will strike. At the cost of repetition, it may be observed that given the state of security measures, anybody could do anything to the structure that day. I can observe that even the observer appointed contributed to keep the courts in oblivion inasmuch as he was specifically required to not only report only the developments or the construction in the face of the stay ordered by the courts, but also required to report any developments likely to put the disputed structure in jeopardy. The observer did not even bother to reach the disputed structure during the forenoon of the fateful day, much less obey the mandate of the Supreme Court to keep it honestly informed about the ground realities.

130.24. Mulayam Singh stated that Kalyan Singh knew about the situation being volatile and tense and still no action was taken, despite Advani's statement in November 1992 that *Karseva* would be done with the shovels and bricks and not by holding bhajans. It was stated in the parliament by him that *Shilanyas* at the site had been permitted. Home Secretary Godbole stated that there was no information of planning and as such it could not be inferred that there was a conspiracy of the Congress and BJP for demolition; this could not be

⁵⁹³ CGW4

⁵⁹⁴ CGW3

accepted on the face of it, particularly in the absence of any specific circumstances leading to such an inference. The mere failure to impose President's Rule or taking of preventive steps by itself could not be taken as sufficient proof for inference of conspiracy.

130.25. Dysfunctional and misleading information was being floated. False stories were planted by the rumour mills which were in full swing. All sorts of assertions were published in the local and vernacular media. The administration did not take any preventive action. It allowed the rumours which resulted in the situation becoming uncontrollable. The statements attributed to LK Advani and Kalyan Singh were denied by them as well as some other prominent witnesses.

130.26. Significantly, the *Sangh Parivar* also does not attribute any contribution of the Congress towards the demolition of the disputed structure; though after the demolition they used to state that if the Congress wanted to save the structure they would have imposed president rule. This is clearly an act of doublespeak inasmuch as even the warning of it was opposed by them, much less imposition of President's rule. They changed their planning of calling 25,000 karsevaks at a time by instead calling them all together in order to show their numerical strength opposing the rumours they had themselves spread, of the imposition of President's Rule.

130.27. Shahabuddin⁵⁹⁵ stated that there was collusion between the Central Government, State Government and district administration for demolition,

⁵⁹⁵ DW14

corroborated by subsequent act of government. It was averred that the central figure of conspiracy was Paramhans Ramchander Dass who had met Indira Gandhi and asked her to hand over the structure to him. She allegedly refused to do so and said that things could be taken care of and looked into as and when the situation arose.

130.28. It is a farfetched theory and an attempted rumour to hit at a political adversary, particularly when the leader to whom it was attributed is no more in this world. In the absence of any corroboration it is merely a fantastic figment of imagination which was floated only after he had left that particular political party lead by Indira Gandhi. This statement is an obvious afterthought and biased, deserving no further consideration.

130.29. Complaints were made by the Muslim community that the security forces were biased in favour of the Hindus⁵⁹⁶. SVM Tripathi⁵⁹⁷ accepted that there were occasions when the role of PAC had been suspect. RN Srivastava District Magistrate accepted having been made aware about these apprehensions about the PAC. Vinay Katiyar stated that the people did not trust the PAC. The official record with respect to this developing of links of PAC with local BJP leaders and its communalization is with the Internal Security Cell of the Home Ministry. There was distrust between the Central

⁵⁹⁶ supported by Mulayam Singh, Prabhat Kumar, SB Chavan (Home Minister of India), Godbole (Home Secretary of India), VP Singh (one time Chief Minister of UP), Parkash Singh (DGP of UP) during the movement resulting in demolition.

⁵⁹⁷ CW15

and State Governments. No steps were taken to obviate the fears of the people or those adversely affected by the movement.

130.30. SP Gaur stated that there was a clear distinction between the situation of 1990 and that in 1992, inasmuch as in 1990 the Government had taken the decision not to permit *Karsevaks* to allow them to reach the disputed structure and therefore, elaborate arrangements had been made. In 1992 the decision was taken for permitting the *Karseva*, therefore the arrangement had been made only for regulating the *Karsevaks*. Organisers of *Karseva* were in regular contact with BJP. The *Karsevaks* were considered to be friendly crowds as the organizers were allies of the political party in power in the state.

130.31. Leaders of RSS, VHP, and BJP met on the 2nd of November 1992 and worked out the logistics of *Karseva*. It was published in the Telegraph newspaper on 3rd of November 1992 that, “[the] top level meeting of VHP, RSS, BJP has decided that time has come to reset the political agenda of the nation. Various options on issue were discussed. The Government should discharge constitutional responsibility or lose its job. Ashok Singhal briefed about Dharam Sansad, ratified decision and decided to start construction. It was admitted that Ayodhya strategy was finalised by leaders of VHP, BJP in presence of RSS leadership.” This was also admitted by KS Sudershan. He stated that the records of proceedings were regularly maintained in RSS headquarters which would be produced before the Commission, which was never done. Participants in this meeting were LK Advani, MM Joshi, Kalyan Singh Chief Minister, UP Vishnu Hari Dalmia, Ashok Singhal, K.S. Sudershan, Badri

Pershad Toshniwal, Sunder Singh Bhandari, Lalji Tandon, Rajinder Gupta, and Kushabhau Thakre.

130.32. Mixing of the local administration with the organizers of the *Karseva* and the local leadership of BJP, RSS etc can be concluded from the evidence on record. It may be concluded from the analysis of the statements of witnesses, totality of circumstances, their conduct and other evidence on record that AK Saran and BK Roy had loyalties outside their department. DB Roy was posted at Ayodhya at the instance and insistence of the political executive with the simultaneous posting of the District Magistrate. Posting of AK Saran is also not free from suspicion in view of the transfer of Mehta. The latter transfer was attributed to his conduct of not yielding to the demands of the local leaders as well as of his having taken strong stance during the *Karseva* in 1990⁵⁹⁸.

130.33. Vinay Katiyar and Ashok Singhal and others used to hold closed-door meetings and were operating behind the scene as well. It was well known that they were pushing and directing the Chief Minister⁵⁹⁹. Officers were posted at the instance of government as was the case of DB Roy and AK Saran etc. though the then DGP was opposed to their posting at Ayodhya. SSP and the District Magistrate used to hobnob with the local politicians like Vinay Katiyar, Ashok Singhal, BP Singhal, Acharya Giriraj Kishore, Mahant Avidyanath, Champat Rai, Dwivedi, Kalraj Mishra, Lalji Tandon,

⁵⁹⁸ Corroborated from the statement of Parkash Singh (CW14)

⁵⁹⁹ See the statement of the Parkash Singh DGP (CW14) and Madhav Godbole (the then Home Secretary).

Paramhans Ramchanderdas etc. They would be closeted with VHP leaders, discuss with them and give and receive signals at their instance.

130.34. Security was diluted at the instance of Ashok Singhal, Brahm Dutt Dwivedi, Kalraj Misra, Paramhans Ram Chander Das, SC Dixit and Vinay Katiyar as already referred in this report. Parkash Singh stated that Brahm Dutt Divedi⁶⁰⁰, SC Dixit and Vinay Katiyar had instructed that the barriers should be removed and frisking should be stopped. There was great pressure for accelerating the dismantling of the security infrastructure which could, in due course facilitate the construction of the temple. Even the state police was under tremendous pressure to lower its guard at Ayodhya. The main participants in a meeting held for the purpose were Rajinder Kumar Gupta⁶⁰¹, Lalji Tandon, Brahm Dutt Divedi and Surya Pertap Sahi. The officers who attended the meeting were the Chief Secretary, DGP, IG Lucknow zone and the IG security. It was alleged that because the paramilitary forces had been stationed without the prior permission of the state, their deployment was likely to create problems of dual control in Faizabad. The stated reasons run contrary to the facts on the spot where the paramilitary forces were being deployed in the isolation cordon for a long time, without there being any such problem.

130.35. SP Gaur stated that he had no knowledge of apprehension of damage to Muslim structures, and they were more concerned about the security of the public attending the area.

⁶⁰⁰ *Revenue Minister*

⁶⁰¹ *Finance Minister*

130.36. AK Saran admitted that security arrangements were made with the sole object of traffic control and not with a thrust to stop the construction. He admitted that no steps for security in case *Karsevaks* went berserk were taken or even considered. Force was even required to provide security to *Karsevaks* where they were staying.

130.37. It emerged from the statements of Tej Shanker⁶⁰² District Judge, Rajinder, Swami⁶⁰³, P. Shukla⁶⁰⁴, Seema Chisti⁶⁰⁵ etc. that the Closed Circuit TV (CCTV) was not working, the hot line had been cut off and the only communication equipment was with the state police. The fencing needed at Kaushalya Rasoi and at the inner wall of *Garb Grah* was lacking, the ground was levelled in front of the disputed structure to accommodate more *Karsevaks* and the management of the crowd was with the organizers.

130.38. A solitary, insignificant and ineffective force of eight constables was available at the Police Chowki for an area of 4 kilometres jurisdiction. RN Srivastava testified about the levelling carried out by the organizers in presence of officers of tourism and which was later taken over by them. He admitted that police help was also sought for levelling by the District Magistrates at the instance of Vinay Katiyar, Paramhans Ramchanderdas and Ashok Singhal. PN Shukla⁶⁰⁶ stated that a force of 200 persons at *Sita Rasoi* and another 100

⁶⁰² CGW2

⁶⁰³ CGW3

⁶⁰⁴ CGW4

⁶⁰⁵ CGW6

⁶⁰⁶ CGW4

was deployed in the complex. He further stated that all the persons posted around the disputed structure were new⁶⁰⁷. Aklesh Mehrotra⁶⁰⁸ admitted that only gazetted officer had walkie-talkies and in the complex there was only one; there were no means to contact the control room or constables on duty or the organizers or the *Karsevaks* assembled.

130.39. N.C. Pandhi⁶⁰⁹ stated that 10,000 *Karsevaks* positioned themselves in and around Ayodhya in a clandestine manner. RN Srivastava⁶¹⁰ district magistrate admitted that main road from Faizabad to Ayodhya was inhabited by the Hindu community on both sides. The *Karsevaks* camps were at a distance of a hundred meters from the complex. He further admitted that 200 to 300 RSS workers were helping the administration. Persons were deployed without any means of communication.

130.40. The facts that emerged on analysis of the testimony of Rajinder Kumar Swami, Jha, Mark Tully, Praveen Jain, KS Sudarshan, SPS Sinha, Acharya Giriraj Kishore and the other documentary evidence, is that the security was not foolproof and was in fact only symbolic. There were flimsy and notional barricades. Only a badly damaged boundary capable of offering hardly any resistance to motivated men was there. It was apparent that in the event of a stampede, security persons were likely to be boxed in and rendered

⁶⁰⁷ Corroborated by DB Roy (CW7), who stated that the force provided to him consisted of either trainees or untrained constables and others.

⁶⁰⁸ CW11

⁶⁰⁹ CGW32

⁶¹⁰ CW30

ineffective. The PAC and some of the other security staff were themselves believers and followers of the movement. They used to visit the disputed structure and perform Puja there, even while wearing their uniforms. They carried their bias regarding the disputed structure as well as about Muslims. They were thus devoid of the very spirit required for impartial protection of the structure or performing their duties in an honest manner. This was well within the knowledge of the organizers and the state administration. Still, no corrective, curative or preventive steps were taken by the persons responsible for it. Rather, the leadership exhorted the Police to support the Karsevaks in achieving their objectives. This becomes even more apparent from the slogans like “*Badi Khushi Ki Baat Hai. Police Hamaray Saath Hai*”. SC Dixit went to the extent of thanking the police for refraining from using force against the Karsevaks. He further showered praise on them by declaring that the force deployed at Ayodhya for the security of the Karsevaks had amply demonstrated that Hindu blood flowed in their veins. The security staff deployed had extremely low morale and was disinterested in providing any meaningful security. This state of affairs was no secret and was even apparent from the media reports of the time.

130.41. During her testimony, Uma Bharati said that she came to know of beating up of press people on the 7th of December, while earlier she had said that people whom she could not identify attacked the press at the disputed structure. It is difficult to believe that the media people were being beaten in large numbers particularly in the Ram Janambhoomi – Babri Masjid complex in full public view and some of them, i.e. the press people even managed to flee to the Ram

Katha Manch and some of whom were saved by LK Advani's security officer, Anju Gupta and by others. It cannot be believed either that the leaders like Uma Bharti etc. did not come to know of these assaults. There seems to be a crude attempt to protect the leaders and to deny or justify these attacks one way or another. There was no spirit or enthusiasm for providing the security to the structure. The sentinels were merely going through the motions since they had been assigned that duty. This was an open secret, known to the organizers, administrators and the *Karsevaks*. The leadership exhorted the armed forces i.e. the police to support the *Karsevaks* in achieving their objectives and not to use force against them. Reference can be made to the statement of KS Sudarshan, Mark Tully etc. No attempt was made to protect the journalists or photographers from the *Karsevaks* either by the organizers or the administration despite the fact that the organizers had themselves issued press passes.

130.42. DB Roy accepted that the plan of VHP of coming of 25000 *Karsevaks* and their stay in bordering villages was changed, apprehending imposition of President's Rule. All the *Karsevaks* were therefore called into Ayodhya simultaneously, possibly to oppose the imposition of President's Rule. A vaidyanath⁶¹¹ stated that some of the leadership was provoking the *Karsevaks* and trying to get them to demolish the structure. They projected the demolition of the structure a heroic act. He said there were no means to discipline them; they climbed over the trees and jumped into the isolation cordon and outnumbered the paramilitary forces, which could not effectively

⁶¹¹ CW31

carry out a *lathi* charge or use tear gas because of intermingling of police and the crowd apart from the difficulties posed by the closed space. P. Shukla⁶¹² stated that the tear gas could not have been effective because the *Karsevaks* had painted themselves with an unknown substance to render tear gas useless. JS Bisht⁶¹³ confirmed that tear gas could not be used for tactical reasons as there were no escape routes for police or the crowd within the isolation cordon apart from the lack of space between *Karsevaks* and the police. Similar was the situation on the ground with respect to lathi charges.

130.43. *Sadhus* and firebrand leaders like Sadhvi Ritambhara were sarcastically saying “honour the Supreme Court order” and they were ridiculing the same. Ashok Singhal, Vinay Katiyar, Uma Bharti and other leaders were urging the journalists “*Dekh Kar Jaiya*”. This was being said before, during and after the demolition.

130.44. SB Chavan⁶¹⁴ stated that 150 persons broke the cordon and started stoning the police while 1000 broke into the cordons around the disputed structure and about 80 of them climbed the domes. Seventy five thousand *Karsevaks* were at the Ram Katha Kunj, which was outside the Ram Dewar i.e. the boundary wall though quite near to the disputed structure. The fact is corroborated by Sharat Chandra⁶¹⁵. Acharya Dharminder Dev stated that 10,000 to 20,000 *Karsevaks* demolished the disputed structure while KS

⁶¹² CGW6

⁶¹³ CGW7

⁶¹⁴ CW4

⁶¹⁵ CGW 40

Sudarshan suggested that the number was 5,000 only. He further stated that the pattern of destruction suggested it was preplanned and even the architects opined that the destruction was not possible without expertise and systematic techniques. A vaidyanath⁶¹⁶ admitted that the disputed structure was demolished actually by 1000 to 2000 *Karsevaks* because of limited space at disputed site, while there was a crowd outside.

130.45. From an examination of the evidence, video cassettes produced and the spot inspection carried out by this Commission, it is proved that isolation cordon could not accommodate more than hundred to two hundred persons while 5000 persons could have been accommodated in other cordons. This view gets corroboration from the statement of Tej Shanker⁶¹⁷, PN Shukla⁶¹⁸ station officer in charge of Ram Janam Bhoomi police station, JS Bisht, Ram Kirpal⁶¹⁹ and a fax message sent by Tej Shanker⁶²⁰.

130.46. SPS Sinha stated that about 50 *Karsevaks* of Shiv Sena entered the disputed structure from South corner behind the disputed structure with the implements for demolition and saffron flags. They entered the isolation cordon by jumping over the security wall and initially one young boy climbed on top of the domes like an acrobat and unfurled a saffron flag. Thereafter about 50 to 100 persons followed suit. They climbed the domes with *Trishuls*, *lathis*, pickaxes, iron rods, shovels, sabres and hammers etc. Neither the police

⁶¹⁶ CW31

⁶¹⁷ CGW2

⁶¹⁸ CGW4

⁶¹⁹ CGW24

⁶²⁰ CGW 2/4

force nor the Karsevaks at the spot or in the Ram Janambhoomi complex nor any of the leaders or anyone else intervened or attempted to stop them. Some unreliable statements of interested persons like the SSP etc. have come on the record that they requested the perpetrators not to do so or to create chaos. These statements cannot be trusted. No steps were taken by the police to stop the persons from climbing the domes or entering the structures despite the fact that after the initial entry, some of the Karsevaks pelted stones at the police personnel, especially those deployed inside the isolation cordon as it was the CRPF. It still becomes more plain from the conduct of the state police, the PAC deployed in the complex, the disputed structure and at the security wall, Ram Katha Kunj and in Ayodhya town that they were merely mute spectators. The Karsevaks were even seen in the video footage and photographs wearing the police shields used by them for their protection from stones or other projectiles or sticks etc. It lends credence to the fact that the police, karsevaks and the administration were supporting each other. They did not stir even when the journalists were being beaten up in their presence and were crying for help. It cannot be a coincidence that the stone throwing was only directed towards the paramilitary forces and not the state forces. Another act that emerges is that the suggestion that the stones were being pelted by 70,000 Karsevaks is physically impossible. The area available could not accommodate more than 10,000 Karsevaks. Added to this, one cannot imagine how either the Karsevaks or their leaders could ask them to stone other Karsevaks who had jumped the boundaries and filled the inner cordon and the surrounding spaces. It was specifically stated by Rajinder

Swami⁶²¹ that the rods with the *Karsevaks* were not similar to the one used in the barricades.

130.47. Later the Karsevaks started entering the disputed structure and the security cordons. They were seen with the police equipment like shields etc.

130.48. As a prelude to their entry in the cordons or the isolation cordon or the disputed structure, they cut off the hotline and took away the riot control equipment. Before entering the disputed structure under the domes, the idols and the cash box were removed to a secured place within public view with due reverence. The security forces, organizers, leaders and the other protagonists including the religious leaders did not make any attempt to prevent this shifting of the idols and the cash box. Seema Chisti stated on oath that these were removed by the Pujaris and Karsevaks. They were reinstalled again ritualistically in the make shift temple.

130.49. The Karsevaks numbering under a hundred entered the disputed structures underneath the domes after the removal of the idols. Simultaneously the assault on the journalists commenced, particularly on the photo-journalists to prevent them from making a permanent record of the happenings. Admittedly, less than a hundred people could gather under the domes at a given time and this leads to the valid conclusion that the Karsevaks who did enter the structures were specially assigned to this role and were in furtherance of a well conceived plan to demolish the structures. All fingers point at the RSS who are known to be the most disciplined cadres and who

⁶²¹ CGW3

conduct themselves in an orderly and highly planned manner. These cadres are known for their devotion to their philosophy and their ability to act in a precise and planned manner with military precision. They were quite capable of secretly planning and of keeping their intentions and plans hidden from all others. It has come on the record and was even officially recorded that the RSS was holding secret meetings and was working for the movement for the construction of the temple at the disputed site. They were secretly mobilizing the Karsevaks and persuading pilgrims for the same. Their capacity, capability, potentiality to organize the hard core Hindus for religious congregations or for any other purpose related to the Hindu religion is well known and admitted.

130.50. SPS Sinha stated that that the idols of Ram, Puja material, donation box etc. were removed from *Garb Grah* before demolition started or commenced from inside. An epigraph of Mir Baqi was taken away by an associate of Moreashawar Save. Sharat Chandra⁶²² stated that Laloo Singh MLA was seen running with the box.

130.51. Admittedly, the methodology adopted by *Karsevaks* was they went inside the domes, made holes in the walls, put ropes in them and pulled down the walls of the disputed structure bringing down the domes. On analysis of the documentary evidence, video recordings and the statement of Nirmala Deshpande, it emerged that the demolition was not effected or carried out by the *Karsevaks* who had climbed the domes. It was effectively carried out by

⁶²² CGW40

the *Karsevaks* numbering less than a hundred who entered under the three domes and pulled down the walls in a preplanned and organized manner.

130.52. SPS Sinha affirmed that Dr. Vilas Vedanti was making efforts for the obstruction and blocking of the roads coming towards the disputed structure so that the vehicles of paramilitary forces or the paramilitary forces could not reach the *Ram Janambhoomi Babri Masjid* complex or the disputed structure⁶²³. RN Srivastava admitted that no attempt was made to control, regulate or restrict the *Karsevaks* coming to Ayodhya or Ram Janam Bhoomi Complex. He stated that officers in the control room made no contact with leaders present at Ram Katha Kunj or anywhere else.

130.53. The apathy of administration was writ large and even the in charge of the police station *Ram Janam Bhoomi* P. Shukla stated that it was not known to him what the people present on platform intended to do. No attempts to stop the *Karsevaks* were made by the administration from the only public address system available. So was the case of *Sadhus* and *Sants* or some of the fanatic leaders.

130.54. Uma Bharati stated that she did not remember any political or religious leader or any one from administration, even making an attempt to defuse the situation or moving towards the crowd to prevent their entry into the disputed structure or climbing the domes for carrying out the demolition. The District Magistrate, for reason best known to him denied identification of *Karsevaks* from headbands or otherwise. It has been observed that

⁶²³ See CW 12/13.

conclusive evidence is on record about the identification of the Karsevaks from their symbols or insignia like headband of a particular colour representing a particular organization. Similarly the Karsevaks could be identified by their particular slogan or war cry which had been assigned to their specific group; this fact has also been admitted by a majority of the leaders of organizers and even by Vinay Katiyar himself. The District magistrate also admitted that *Karsevaks* came with different head bands⁶²⁴.

130.55. The District Magistrate stated that there were reports and rumours floating about the imposition of President Rule in the state. He stated that the Chabutra was built in July 1992 by hired masons. Vinay Katiyar accepted that there was no PAC or state police or CRPF on the highway to control or regulate Karsevaks. There were no arrangements of mobile or mounted police in the town. He accepted that decisions taken by the BJP were exactly what the government later ordered. Even the defence witness RN Katherya⁶²⁵ stated that there was an unprecedented gathering. It was not possible to control the crowd. He further stated that there was no shelter for police from crowd brick batting. From the videos produced and the spot inspection etc., the brick batting could not be called massive and was only notional.

⁶²⁴ See CW 30/1

⁶²⁵ DW1

131. The RSS's *saffron bands*

131.1. Acharya Giriraj Kishore admitted that members of the *Bajrang Dal* wore saffron bands. Shakshi Ji Maharaj⁶²⁶ admitted that 1000 RSS *Swayam Sewaks* from Delhi with yellow bands were deployed in the *Ram Janambhoomi – Babri Masjid* complex to control the mob and carry out the administration. A vaidyanath⁶²⁷ admitted that *Karsevaks* with *Grewan Patti* climbed the domes and Champat Rai was the local leader supervising the construction. Vinay Katiyar also accepted that *Bajrang Dal* cadres had a saffron colour band and *Jai Shri Ram* was their slogan. Jha⁶²⁸ a journalist stated that people wearing yellow band were initially controlling the crowd, and later they climbed the domes, entered into them, or threw brick bats. Suman Gupta⁶²⁹ categorically stated that media persons were assaulted simultaneously at different places by the *Karsevaks* with yellow bands.

131.2. Mulayam Singh⁶³⁰ admitted that BJP members were with yellow band. BP Singhal Vice president of VHP stated that identification of the *Karsevaks* was Yellow or saffron Patti. Mark Tully stated *Karsevaks* were wearing saffron bands or yellow bands. The arrangements, discipline and situation were looked after by Swayam Sewak's of RSS. AK Saran categorically admitted

⁶²⁶ DW8

⁶²⁷ CW31

⁶²⁸ CGW5

⁶²⁹ CGW5

⁶³⁰ DW12

that *Karsevaks* were wearing yellow bands. Paramhans Ramchander Dass stated that *Bajrang Dal* was with yellow headband. Shukla admitted that *Karsevaks* with yellow bands were initially controlling the crowd and later broken the barriers and went inside the domes of the disputed structure. It is concluded from reading of oral statements and viewing the CDs and videocassettes produced before the Commission that *Karsevaks* wearing yellow or saffron bands entered the disputed structure and climbed over the domes with implements.

131.3. Yellow or saffron coloured bands were worn exclusively by *Karsevaks* of *Bajrang Dal* or *Swayam Sewaks* of RSS. Looking at the video cassettes produced in evidence and the analysis of the other evidence, it can be seen the people present at the site in Ayodhya were not even properly clothed for the cold December weather. This gives the distinct impression, that most of the crowd or the mob consisted of ignorant and gullible or illiterate people and was there, having been persuaded or forced by their local leaders. There is nothing to suggest that they were pilgrims to Ayodhya and thus in the Ram Janambhoomi complex or at the disputed structure by coincidence. All the persons present there were termed as *Karsevaks* irrespective of the political party or any other social party their local leaders might be representing.

131.4. From a careful sifting of the evidence it is established that the entire demolition was worked out by four distinct divisions of *Karsevaks*. The first were those who had apparently been given the task of attracting attention to themselves. These people had no effective demolition expertise or implements. They were TV conscious and vied for public attention by

hammering on the domes from on top, hoisting flags and knocking off plaster from above the domes.

131.5. The second were the actual skilled workers who knew their job, were efficient and had clarity in carrying out and achieving their object by pulling down the walls under the dome. They were careful to maintain their anonymity and were visibly disciplined as evidenced from the systematic execution of the demolition.

131.6. A third group of *Karsevaks* kept the police and administration at bay, by throwing bricks and other missiles for public consumption or providing the defence to be invoked later at the appropriate time. Their desire to maintain anonymity lead to the simultaneous attack on media persons as well as enforcing prohibition on photography.

131.7. The fourth distinct grouping consisted of the leaders, religious preachers, organizers, *Sadhus* and *Sants* who created the emotional tempo by raising various provocative slogans and chanting bhajan or parodies etc, stoking up the already inflamed passions of the *Karsevaks* engaged in the demolition. They openly ridiculed and jeered at the Supreme Court's order⁶³¹ even from the VHP's dais at the Ram Katha Kunj.

⁶³¹ See the statement of *Nirmala Deshpande* and the video cassettes produced in evidence.

132. The attack on the disputed structure

- 132.1. The attacks and assaults were concentrated by motivated and determined young people. It was so admitted by Vinay Katiyar. He exaggerated the number to 20,000 to 30,000 assaulters, when even the space in cordons was not for more than 200 – 500 people.
- 132.2. In fact, demolition was carried out skilfully in a coordinated manner. The act was designed by persons well conversant with the ground realities, the nature of building, topography of the building, topography of the town, nature of the crowd, properties owned and possessed by particular community, well conversant with the mind set of police, the administration as also the political executive controlling the whole affair. The demolition was carried out by physically fit persons without visible supervision and which by itself points out at their having received earlier training.
- 132.3. The original plan, claimed KS Sudarshan, was to carry out the symbolic *Karseva* by unskilled workers. It cannot be accepted on the face of it for a number of reasons. In the ordinary course the plan for the Karseva must have been worked out much earlier to the fateful day. It can be said to have been made when admittedly a meeting of the RSS, BJP, VHP, BD and other activists was held on 2nd of November 1992 at the RSS headquarters and when the logistics of the Karseva and for the construction of the temple were discussed and decided. KS Sudarshan, the *sarsanchalak* of the RSS admitted this in his statement. None asserted or stated that any symbolic Karseva

would be carried out. All the leaders and icons were asserting and mobilizing the people for construction of the temple to be carried out on the 6th of December 1992 at Ayodhya. The concept of the symbolic Karseva actually emerged as a consequence of the order of the Hon'ble Supreme Court dated 28.11.1992. The decision for the symbolic Karseva was thereafter taken by the Dharam Sansad / Kendriya Marg Darshak Mandal only on the 5th of December at Ayodhya. The organizers, the VHP, BJP, BD and the other members of the Sangh Parivar publically postured that they would follow the diktat of the Sadhus and Sants or the Dharam Sansad or the Kendriya Marg Darshak Mandal and not that of the courts. Otherwise also it was admitted that the likes of LK Advani, Murli Manohar Joshi etc. were mobilizing people to reach Ayodhya for the Karseva for construction of the temple even as late as the night of the 5th of December when they reached Ayodhya. The nature of the Karseva was never spelt out despite the Supreme Court's directions to publish the intent to perform only symbolic Karseva in the press etc. There was no overt act by the government or the administration with respect to a symbolic Karseva or to enforce compliance of the courts' orders or to abide by the undertaking given by their own ranking. On the contrary, the assertions were made to the media that the construction would be carried out at the disputed site in accordance with the prior decision for construction of the temple. The organizers declared themselves not bound by court decisions. The conduct and the assertions made were completely at variance with the stance taken by them in July 1992 when the Chabutra was built at the site despite the restraint order and the various undertakings which had been given. All implements were made available at the spot by the state

administration and the Sangh organisations. The Karsevaks were evidently conversant with the topography of the site and the nature of the buildings, the mood of the crowds and the character of the leadership. They were aware of the details of the security forces and the constraints imposed upon them by the state.

132.4. The conclusion is that there was no plan or intention to conduct a symbolic Karseva alone. Symbolic Karseva was in fact contrary to the promises made in the electoral manifesto of the BJP and the Sangh Parivar. It has come on the record that in case they failed to construct the temple as promised, it would remove the Hindus from the political map of India. It was further proclaimed that the Hindus would lose their political entity and identity.

132.5. The plan for demolition of the structure was conceived and executed with at the highest political, party and governmental levels with full knowledge and as a joint common venture in order to achieve the object and goal of the protagonists of the temple movement and the election manifesto of the BJP. Demolition was carried out in full view of leaders and the authors of the movement. The political, RSS and other leaders were visibly delighted at the unfolding events even though LK Advani and AB Vajpayee made contradictory and superficial statements. Uma Bharti, Parmod Mahajan and other political leaders, and especially Sadhvi Ritambhara, Vinay Katiyar, Acharya Giriraj Kishore, Vamdev, Acharya Dharmender Dev were positively ecstatic during the demolition. The other minor leaders were similarly enthralled. None had any remorse over the demolition. Rather, HV Sheshadhari was known to have claimed that the political dividends of the

demolition should be capitalised and the momentum ought not to be allowed to be dissipated.

132.6. The RSS leadership glorified this act of gross vandalism, as history in the making. It was observed by them that "*Today's events prove once again that history cannot be directed – history happens.*"

132.7. Arson started at 3.30 PM from the houses of Hari Mahboob, Yusaf Ara Machine, Sabir Ali Ara machine, Raopali area and many others areas. SVM Tripathi⁶³² admitted that one group of *Karsevak* mobs committed arson in Ayodhya while another mob assaulted the Ram Janambhoomi Complex. Young *Karsevaks* were involved in looting and burning the properties of the Muslim community in a systematic and organized manner, taking care to conceal their identity. The act of arson was sought to be justified even by Aklesh Mehrotra who was the SP Ayodhya, by citing a well rehearsed fabricated story that a *Karsevak* had been murdered at the house of a Muslim by them. He claimed to have recorded an FIR about this. This FIR was neither brought in evidence before this Commission nor pointed out by any of the counsel who appeared before the Commission that there was any such incident or to support the version of the SP.

132.8. The participants in this enterprise of this criminal act and its planning obliterated all direct evidence regarding the exact blueprints for the demolition campaign and consciously withheld it from the commission. The existence of an all-pervasive and well laid out plan is clearly apparent with the

⁶³² CW 15

benefit of hindsight. The joint common enterprise of planning by the political, religious and the operational leadership had the unstinted support of the government in power in the state as well as that of the BJP, RSS, VHP and the other members of the Sangh Parivar. It may not be abject in fact, to hold that the government had been subsumed in the Ayodhya campaign and had become a *de facto* appendage of the *Sangh Parivar*.

132.9. There was a complete failure on the part of the Muslim leadership to understand, appreciate, and to highlight the extent of the Joint Common Enterprise. There was complete failure on its part to highlight the systematic dismantling of the security apparatus and the leaching away of civil servants who could possibly have hindered the plans of the Ayodhya campaigners to assault the disputed structure.

132.10. Madhav Godbole⁶³³ stated that handpicked officers were transferred into strategic posts, which enabled the government to do what it wanted. Similarly, Parkash Singh the then DGP asserted in his statement that bypassing all norms, officers who were pliable and on friendly terms with the political leadership were posted at the spot, for extraneous considerations. It was observed by the Supreme Court⁶³⁴, that "*the government machinery of the state is having sympathy with the aspirations of the religious group*". The officers well conversant with the topography and who had the necessary knowledge were relieved unceremoniously. Thus the weapon of transfers was used

⁶³³ *CW13*

⁶³⁴ *in LA 5/92*

without restraint to ensure the presence of an executive that was unstinting in its complicity.

132.11. The purpose and object of *Karseva* on 6th December 1992 was the construction of the temple at the place of the disputed structure. Paramhans Ramchander Dass who was the epicentre of the movement, claimed it was to commence from the *Garb Grah* i.e. the disputed structure.⁶³⁵ An insignificant small number of organizers used to claim that the construction work would commence from the site of *Shilanyas*.

132.12. The main objective of the Joint Common Enterprise on the 6th December 1992 was to construct the temple or any other substantive act to show to the *Karsevaks* that construction of temple was started by the government and that it had taken all steps to achieve their electoral promises in this regard. This was essential for use in elections in the future, as subsequent elections successfully showed. The actions of the leadership even after the demolition was whimsical and in consonance with the fulfilment of the RSS's political, cultural and social goals.

132.13. The UP government, Vijay Raje Scindia and Chinmayanand gave an undertaking for carrying out only a symbolic *Karseva*, believing which, the courts allowed the *Karseva* to proceed. The courts were assured that no implements or material for the construction would be allowed in the Ram Janambhoomi Babri Masjid Complex.

⁶³⁵ See the statement of *Shakshi Ji Maharaj (CW8)* and *Paramhans Ramchander Dass*. .

132.14. The *Sadhus* and *Sants*, members of Sangh Parivar, *Karsevaks* and protagonists of the temple movement did not approve of the undertaking. Paramhans Ramchanderdas, Ashok Singhal, Vinay Katiyar, Vamdev, Mahant Avidyanath, Acharya Dharmender Dev, HV Sheshadhari etc. challenged the authority of the persons who gave the undertaking to the Supreme Court. KS Sudarshan, HV Sheshadhari and the other icons of the RSS said that the acquisition of the land, undertaking to the Supreme Court had retarded the thrust of the movement resulting in a setback to the movement and had delayed the temple construction. They protested against the symbolic *Karseva* and mocked the court's order. Chinmayanand who had himself given an undertaking later used to mock at it and publically stated, as recorded in video CD, that the undertaking was only a meaningless piece of paper to placate the court. *Karseva* for construction of the temple would be carried out in terms of the decision of the *Sadhus* and *Sants* at the disputed site.

132.15. Ramchander Paramhans Das stated before and on sixth of December 1992, "*Maina Karsevako Ko Karseva Ke Liya Bulaya Hai, Naa Ke Yahan Aakar Mala Pherne Mein Lagay Rahein*". Mahant Avidya Nath said, "*Karsevaks Could Not Be Confined To Kirtan*"⁶³⁶. Uma Bharti stated that the *Sants* sitting at the platform (*manch*) made fun of the idea of symbolic *Karseva* and reiterated that "*Aaj To Pratikarmak Karseva Honi Hai*". She named some of the persons present on the *Manch* including Swami Permanand, Baikunth Lal Sharma, LK Advani, Murli Manohar Joshi, Sheshadri, Ashok Singhal, Acharya Dharminder Dev, Sadhivi Ritambra, Vinay Katiyar, Vijay Raje Scindia,

⁶³⁶ See DW11/8.

Swami Vam Dave, Paramhans Ramchander Dass, Vishnu Hari Dalmia and Guru Permanandji who made no denial of this sentiment supporting the demolition.

132.16. Despite LK Advani having acquired the stature of an icon of the movement, the *de facto* leadership of the movement at Ayodhya was with Paramhans Ramchander Dass, Ashok Singhal, Vinay Katiyar, Vamdev, Chinmayanand, Giriraj Kishore, KS Sudarshan, HV Sheshadhari, Parmod Mahajan, Sadhvi Ritambhara, Acharya Dharmender dev, Mahant Avidyanath, Uma Bharti, Vije Raje Scindia, Murli Manohar Joshi and Champat Rai. Neither the decision of courts nor that of the *Kendriya Marg Darshak Mandal* of the 5th of December 1992 for symbolic *Karseva* was accepted by the leaders or even the *Karsevaks*.

133. The Joint Common Enterprise

- 133.1. The following findings are categorically discernable from the facts, evidence, statements, circumstances, acts of leaders, accomplished results and from the scheme of things
- 133.2. The process for the object of construction of temple and goal to acquire the political power was carried out step-by-step i.e. opening of locks, followed by mobilization, carrying out the *Shilanyas*, carrying out the further mobilization while continuing the negotiations etc. These acts were veiled and articulated to achieve ostensible conformity with the constitution and the laws of the land until the final chapter and events unveiled.
- 133.3. The State Government with *mala fide* intentions and for extraneous considerations proceeded with the acquisition of the land for construction of temple under the garb of development of tourism. This was not an innocuous or innocent act of the state administration, bureaucrats, political executive and the Chief Minister. The political executive headed by Kalyan Singh had acted intentionally, deceptively with the full knowledge of their act and the hidden intentions. The administration and the political executive had knowledge of the real intentions of the organizers of the movement and of their public statements being a farce. It was openly asserted that the undertakings given to the courts were merely ritualistic and for public consumption. It was a crude attempt to mislead the courts and the populace in order to maintain the façade of secularism. They were not bound by the

court's orders or the affidavits submitted to the court by their own political leadership. They were aware that the *Karsevaks* could not be confined to kirtan alone, and that they were baying to avenge the injustice perpetrated by the emperor Babar.

- 133.4. It was declared that a guerrilla strategy would be adopted for *Karseva* on sixth of December 1992. It was widely admitted that the Kalyan Singh government had succeeded in attaining power in the state because of their election manifesto which promised the temple at Ayodhya. The majority achieved by the party in the elections was considered to be a mandate for construction of the temple.
- 133.5. The construction of the *Ram Dewar* as the boundary wall of the proposed temple by the State Government under the garb of construction of a security wall was the implied and widely accepted first step by the BJP government in redeeming the promises made at the polls. The disputed structure was declared a sign of humiliation, nation's shame and a stigma by the leaders and the organizers of the movement, and by the Chief Minister Kalyan Singh in order to organise, politically awaken and to rally the Hindus for supporting the RSS and BJP, its political front.
- 133.6. The decision to start construction was hailed. The BJP government was congratulated for removing hurdles by diluting the security apparatus and arrangements around the site.

- 133.7. A Policy decision had been taken to implement the election manifesto by the BJP party and the government. It was declared that Mandir would be constructed despite any decision rendered by any court.
- 133.8. The tenor of the speeches made publicly and thereafter made available for public consumption was extremely provocative and directed against the Muslim community. The speeches and the slogans during the course of the mobilisation of the *Karsevaks* was with the object of “awakening” the *Hindus* politically, initiating a debate on secularism and uniting the Hindus. The perception was sought to be reinforced that the *Rath Yatra* was directed against the policy of reservation for minorities and for disapproving the conduct of the government in changing the laws in view of *Shah Bano’s* case decided by the Supreme Court.
- 133.9. The temple reconstruction plans were drawn up by the architects. But it was not approved by any competent authority or local body. The BJP State Government ordered and executed the levelling of the land around the disputed structure and the demolition of other temples, structures and buildings around the disputed structure. A Chabutra or a platform and a road for easy accessibility to the disputed structure were constructed at the state’s instance despite there being a restraining order by a court. The state consistently failed; or deliberately chose not to implement the Supreme Court’s orders.
- 133.10. There was a systematic and continuous dilution of the security arrangements around the disputed structure. It was premised on various excuses after the

BJP came to power. The State Government declined to deploy paramilitary forces for no valid grounds despite authentic, unrebutted and categorical news about the demolition of the disputed structures and the threat of communal violence. The State Government even protested even the stationing of the paramilitary forces in and around Ayodhya.

133.11. There was a conscious and well thought out distribution of work amongst the leaders of BJP, keeping in view their capabilities. The actual people who demolished the disputed structures were from the Hindi-speaking belt, however they were sought to be portrayed as *Karsevaks* from southern India, especially from Andhra Pradesh and thus incapable of understanding the Hindi language.

133.12. During and after the demolition of the disputed structure the roads were blocked mostly by local people of Faizabad etc., which prevented the paramilitary forces to proceed to Ayodhya. The nature and language of slogans as well as the banners and the language used on them, conveyed and aroused communal feelings, apart from having been directed against a particular community and religion.

133.13. The use of the symbolism of a *Rath Yatra* which has a special significance in the Hindu religious psyche was a deliberate move to rally the people around a cause that they could not resist, cutting across political affiliations. It irretrievably mixed religion with politics. The state actively assisted and abetted the organizers of the movement by providing transport and other logistical assistance to them for ensuring the smooth ingress of the *Karsevaks*

and their welfare. Those elements of the state administration which might have resisted the *Karsevaks* were emasculated and their powers stripped. Inconvenient officers had been transferred out and replaced by pliant and sympathetic ones. There was a well publicized and rigorously enforced bar on the use of any force or coercive measures against the *Karsevaks* or the leaders of the movement. The state as well as Vijay Raja Scindia and Swami Chinmayanand, representing the VHP, gave deliberately insincere undertakings to the court with no intention to carry out the undertaking. The undertaking to permit and / or conduct only a symbolic *Karseva* was patently fallacious and for misleading the court and the Central Government as well as the general public. It had a hidden motive to lull the Central Government and other authorities into inaction.

- 133.14. The entire exercise and the campaign for the temple construction was an unabashed campaign for acquisition of political as well as religious power for seizing the reins of the state and the country from any other rival political party. The organisers and the leadership of the movement apprehended that the Supreme Court had been influenced not to give a verdict favourable to the Hindus. The brains behind the entire operation and the campaign came from the RSS which was the architect of the entire programme, starting from floating various specialized frontal organizations to issuing operational orders. It has come on record that all planning for the *Karseva* and every other programme in connection with it used to be decided by the RSS from their headquarters at Delhi and implemented by the leadership at the spot. Religion was being used for politics which was only too well known.

133.15. There was active and willing collusion between the state administration and the political executive. The state administration and the local officials present did not even taken any token steps to stop the demolition of the structures or control the mob consisting of a thousand people only. Even the formal order declaring the assembly to be unlawful, with consequences to follow, was not made.

133.16. The evidence shows the force deployed was swayed by and was sympathetic to the provocative speeches of the organizers, *Sadhus* and *Sants* and other leaders. It consisted of personnel of only one religious community. They were untrained or under-training police personnel and were deployed in insufficient numbers. The mobile or mounted police were not deployed although they were available.

133.17. There was a symbiotic relationship between the organizers of the campaign and the BJP political party which was in power in the state. Current or past RSS membership was the common link which bound together all the political, social and religious leaders and all were under the undeniable influence of the RSS. Some of the supporters and organizers of the movement and their associates later went on to contest elections as BJP candidate. Admittedly, strategic decisions were taken by the VHP and the BJP in the presence, and at the instance of the RSS.

133.18. The civil servants in the state actively curried favour and supported the BJP government in its Ayodhya agenda, without demur or care about the welfare of the people. Camps bristling with *Karsevaks* were allowed to come up

around the disputed structure, to the knowledge of administration. The *Karsevaks* were not only allowed to come to the disputed structure, but their ingress was actively facilitated by the State Government. The State Government allowed the large gathering of the belligerent *Karsevaks* in the vicinity of the object of their hate, with a paltry force not even capable of regulating traffic, being assigned security duties.

133.19. The effective height of the security wall was lowered by dumping excavated earth near it to enable the *Karsevaks* to scale it. The security wall / Ram Dewar was scaled with consummate ease from the back side of the disputed structure, by the *Karsevaks* wearing distinctive head bands and raising their slogan "Jai Shri Ram" as a war cry. The *Karsevaks* were never frisked and allowed to carry the implements of demolition within the disputed site. The available area for police resistance within the cordon was limited so that no effective counter measures could be taken. The State Government, local administration and the police as well as Dwivedi and Lalji Tandon, who were required to take a decision about these measures, intentionally never took the decision obviously, as a mute spectator for the whole process of the temple construction.

133.20. The initial and most effective assault on the disputed structure was by a small of number of *Karsevaks* who were trained for this specific job, as can be seen from the efficiency of the demolition and the obvious attempts at remaining anonymous and not drawing attention. The simultaneous attack on the media in order to provide the cover of anonymity to the demolition experts, and the

lack of intervention on the part of the organizers as well as the administration for their protection.

133.21. Rajinder Gupta, Lalji Tandon, Brahm Dutt Divedi, Surya Pertap, Vinay Katiyar, Ashok Singhal, Paramhans Ramchander Dass, Acharya Giriraj Kishore etc. pressured the government successfully for diluting the security arrangements and reducing the number of security personnel. The statement of Acharya Dharminder Dev is that not even a single person was standing or moving purposelessly outside the Ram Janam Bhoomi complex.

133.22. Advani stated that demolition was not in spite of the court's order but was because of the court's order and despite of the organizer's efforts. The demolition, levelling etc. was carried out under the leadership of Vinay Katiyar, Paramhans Ramchander Dass, Ashok Singhal, Giriraj Kishore, and Champat Rai etc. The middle aged persons were used as a smoke screen for the activities of the youth wing of the movement. The middle aged group including women was positioned at the *Ram Katha Kunj* and engaged in singing parodies which were claimed to be a Kirtan even whilst the *Karsevaks* were busy in demolition.

133.23. A hero's welcome was given to the *Karsevaks* and a reception was given to them on their coming back after accomplishing the demolition. They had earlier been given a suitable send-off from their respective places either by the government of that state or the leadership.

133.24. There is clear evidence of a well thought out and planned conspiracy. It was publicly accepted by Kalyan Singh in media. Later on oath he stated before

the Commission that his statement was an emotional outburst which explanation cannot possibly be accepted from this experienced, intelligent and well read leader who is a disciplined RSS member. The prognosis of evidence affirms the suspicion that demolition was carried out intentionally in a planned manner. Kalyan Singh was to provide protection to the *Karsevaks* and not the undertaking to the Supreme Court and used the issue for personal aggrandisement putting the act as a heroic act. The undertaking to the Supreme Court was a canard.

133.25. He continued to be the Chief Minister by his own account, up till 5pm. By that time, the domes had been demolished and the construction of a makeshift temple had commenced which lasted throughout the night. On the morning of the 7th of December 1992, by the time President's Rule had been imposed and the Governor initiated the process to clear out the karsevaks from Ayodhya, they had already started to leave the town of their accord, having completed their assignment. Morning *Aarti* was carried out in the makeshift temple by the karsevaks and the PAC forces present on night duty.

133.26. It may observed that the SSP on oath stated that he met the chief Minister only once or twice though the chief Minister categorically admitted that the SSP was in regular contact with him. In the circumstances it is difficult to believe that the chief Minister was not apprised of the situation at the spot, or of the provocative slogans raised, or of the vitriolic speeches given.

133.27. In my view the administration at the highest level, including the political executive, intentionally did not analyse the information with them and

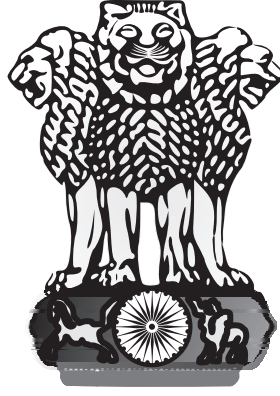
intentionally ignored the conclusions which a reasonable person would have drawn.

133.28. There is no doubt at all, from the evidence and testimony before the Commission that the *Sangh Parivar*, especially the *Bajrang Dal*, RSS, VHP, BJP and Shiv Sena cadres created circumstances consistently over a period of a decade which ultimately resulted in the events of December 6th, 1992.

133.29. It stood established before me beyond reasonable doubt that the Joint Common Enterprise was a preplanned act for demolition under the immediate leadership of Vinay Katiyar, Paramhans Ramchander Dass, Ashok Singhal, Champat Rai, Swami Chinmayanand, S.C. Dixit, BP Singhal and Acharya Giriraj. They were the local leaders on the spot and the executors of the plan conceived by the RSS. The other leaders cannot be absolved of their vicarious liability and were willing collaborators playing the roles assigned to them by the RSS. Their informed support for the Ayodhya campaign, fortified by their physical presence during the *grand finale* of the prolonged campaign is irrefutably established.

133.30. I conclude that the RSS, BJP, VHP, Shiv Sena, and their office bearers as named in this report, in connivance with Kalyan Singh, the then Chief Minister of UP, entered into a Joint Common Enterprise for the purpose of demolition of the disputed structure and the construction of the temple in its place.

133.31. They practiced intermingling of religion with politics as a well thought out act to subvert democracy.



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REPORT OF THE
LIBERHAN
AYODHYA
COMMISSION
OF INQUIRY

CHAPTER 11
PRESIDENT'S RULE

134. PRESIDENT'S RULE

134.1. The role of Central Government was not referred to the commission and therefore its role with respect to Ayodhya issue is not strictly within the purview of questions referred to the commission.

134.2. However, since the commission was specifically asked to find out events, facts and the circumstances, as well as the role of chief Minister and ministers and other officials of the state of Uttar Pradesh, insofar as it related to the demolition, and to pinpoint the deficiencies in security etc., the residuary question finally posed⁶³⁷, requires some discussion about the role of the Central Government as well.

134.3. It was submitted that the Central Government had contributed to the demolition through its sins of omission, inasmuch as it had failed to impose President's Rule in the state and to take over the administration thereby protecting the disputed structure. The Central Government was blamed for not deploying paramilitary forces to protect the disputed structure on the fateful day or earlier thereto.

134.4. It would therefore be appropriate to succinctly deal with the non-imposition of President's Rule in UP and the non deployment of paramilitary forces etc. by the Central Government.

⁶³⁷ "to find out any other matter concerned with it was before the commission"

134.5. Evidence with respect to these facts was led and some witnesses were also cross-examined on this aspect. Books and articles were referred, relating to this.

134.6. During the course of the recording of evidence oral objections, though without formal permission, were raised that the subject did not fall within the purview of the enquiry by the Commission in view of the questions referred to it. Neither any such written objection was raised by the Union of India or the counsel representing the other parties appearing before the Commission, nor were the questions referred to the mandate varied or modified despite the fact that the parties making this request had been in governance for almost a decade.

135. Background

135.1. India was constituted a sovereign and secular democratic republic in order to secure justice, liberty, equality and fraternity thereby ensuring dignity of the individual and the unity and integrity of the nation.

135.2. A numerical minority in a democracy cannot succeed in securing decisions or results opposed by the majority. For this reason fundamental protections, including those of equality and the freedom to practice their religion, need to be protected. The Indian constitution assures equality in no uncertain terms. But the implementation of this equality is affected, interpreted and nuanced by a wide variety of factors. The constitutional guarantee of the fundamental rights is an unambiguous effort to secure and ensure the dignity of the individual, unity of the nation and a casteless society. Secularism provides the foundations for the governance of the nation.

135.3. In order to protect the unity of this diverse nation, the powers of the Union government and the State Governments are delineated and are enumerated in the constitution itself. The Indian system is therefore called a *loosely federal and unitary government*. The Indian federal state is a political convenience and meets the requirement for complementing national unity. The states are integrals part of the union are not independent sovereigns or autonomous units. The *Union* is indestructible while the *states* are not. The emphasis of

the constitution is on a strong Centre in order to sustain the unity of the country.

135.4. The issue before the Constituent Assembly responsible for fleshing out the constitution was of deciding those powers which were to be given to the states and those to be taken away and to be exercised instead by the Union government. Between the union and the states, who should have supreme power? Since the fundamental rights were deemed to be critical for the common man, it was important to insulate and guard these privileges by placing them in the hands of a strong, integrated and democratic Central Government. Hence the Indian union government enjoys a stronger status as compared to the State Government in the matters concerning these rights.

135.5. Even with all the expertise and wisdom at their command, the founding fathers of our constitution could possibly not envisage or foresee the twists and turns that the unrestrained and unprincipled mind is capable of.

135.6. The human mind, being a highly complex and fertile entity, has a tendency to cause men to push the boundaries of authority and to try to overreach established boundaries. The constitution diffuses the power and the might of the state. It provides adequate checks and balances which would ensure that the secularism, fundamental rights, liberty, justice, equality, fraternity, unity and integrity of the nation.

135.7. This dispersion and distribution of power between the union and the State Governments is the only way for workable governance. The various branches of the government are inter-dependent and also complementary to each

other. Executive powers are *sine qua non* for governance and essential for an orderly peaceful society governed by rule of law. For effective working of executive powers, each has inherent powers which imply incidental, plenary and emergency powers which are quite essential for governance and administration. It had been aptly said by Lincoln, "*it is possible to lose the nation and yet preserve the constitution. One does not care whether one calls it residual, inherent, moral, implied aggregate and emergency or any other power otherwise.*" For enjoying freedom or constitutional rights or secularism, executive or administrative power is a prerequisite of democracy and in democratic governance.

135.8. The President is the repository of all executive powers of the nation. Procedurally he is expected and ordained by the Constitution to act on the advice of council of ministers, or as otherwise provided by the constitution. The Governor is vested with the executive powers qua the state. Of course, subject to the powers of the President of India. He is to act on the advice of the Council of Ministers of the state, or in terms of powers vested in him by the Constitution specifically. The legislature too has executive powers which is capable of being exercised by enactment of laws etc. as provided by the constitution.

135.9. Historically and traditionally, the executive powers were exercised by the bureaucratic executive service of the state or the centre. Post independence, these functions were carried out jointly and severally by political executive and the bureaucratic executive. Immediately after the partition and at a time when there was a chaotic and tumultuous scenario, the bureaucratic executive

became overassertive as overbearing as compared to the political executive. The conduct of the District Magistrate in Ayodhya in 1949 is a fine example of this.

135.10. The bureaucratic executive started losing its independence for innumerable reasons while the political executive started undermining the bureaucratic executive's importance, effectiveness, relevance and expertise. The political executive having become a past master, used the numbers game of caste, religion etc. as well as the well known human weaknesses to arm twist the bureaucratic executive. As a necessary corollary or a sequence, they started enforcing their own whims and fancies contrary to the law against the persons they did not like or their rivals and competitors with the aid and cooperation of the bureaucratic executive to achieve their executive.

135.11. The evasion of law and its defiance has become a symbol of political importance and a means for coming to power. It is increasing in magnitude and frequency. To stay in power has become a constant and continuous goal for the political parties. In order to ensure people's support during the polls, a shelter is provided to them from the law enforcing agencies. Direct political interference at the cutting edge, aided or abetted by superior bureaucrats or the officers has decimated the concept of hierarchy of administration. The police is also in the same state of affairs. It is used by the political executive for their personal ends and to settle scores. Unfortunately the executive, the police and the other law enforcement institutions or the individuals themselves become diffident and reluctant to stick out their neck to uphold the constitution or the rule of law or to protect the rights of the people

irrespective of whether they are in the minority or the majority against the tyranny of the state.

135.12. Commissions were constituted to meet the persistent criticism of over-concentration of powers in the hands of the union and to redefine centre-state relations, including the *Administration Reforms Commission* in 1969, *Rajminnar Committee* 1969, and the *Union Territories Act 1963*. The *Sarkaria Commission* was constituted in 1987, and even thereafter, sporadic attempts continued to be made to define centre state relations.

135.13. In order to regulate and delineate the powers of the state and the union, the Indian constitution contains two lists containing the subjects on which the union and the state can each exclusively legislate; as well as a third list conferring concurrent powers on either. Residuary powers on subjects not finding mention in any of the lists are with the union. All powers, irrespective of whether they are exercised by the state or the centre or by both, are subject to the provisions of the constitution.

135.14. Political parties are an integral part of democracy and governance. One cannot conceive of a democratic form of government without political parties which are a part of the political system and constitutional scheme. In order to gain power and to form a government, the parties and their associated organizations and associations present their agenda or manifestos to the electorate. Broadly, during the regime of a particular political party, their agenda or manifesto becomes a pointer for the state's policies.

135.15. Once a particular political party forms the government it is expected to live up to its manifesto, but only as long as it does not conflict with the constitution of the country. No electoral promise or covenant can legally be allowed to be acted upon in derogation of the constitution, the principles embedded in the directive principles, fundamental rights and the various laws enacted by the parliament and the legislatures in accordance with the constitution.

135.16. The electoral system in India is however neither as robust nor going in the direction predicted by the optimistic framers of our constitution. Popular sentiment now equates electoral politics with a necessary evil rather than as a benevolent system. Politics has unfortunately come to be regarded in the people's imagination as a refuge for the more undesirable elements of society and even the truly selfless are painted with the same brush. Leaders commanding muscle power, money power, caste or criminal loyalties or those having a religious following have come to the forefront and manage to achieve success at the polls to protect their own economic and personal interests. Paradoxically, a sizeable number of those who bemoan the degradation of the system do not get themselves registered as voters, or do not vote nor take any interest nor lead nor take a stand against injustice in the system. The end result for any reason is vote bank policies and not idealism in the multicultural society's interest.

135.17. The right to religious freedom, subject of course to due regulation and restraints in the interests of public morality and health has been provided in the constitution specifically. Everyone is expected to promote harmony, spirit

of common brotherhood transcending religious, linguistic, regional, sectarian diversities.

136. Emergency powers of the President of India

136.1. The state is charged with the duty to maintain peace, tranquillity, law and order. To maintain the unity and integrity of the nation, emergency powers are provided in the constitution, which are meant to be exercised only in an emergency. The powers have been conferred on the President of India to manage the affairs of the country or any specific part during such an emergency as envisaged by the constitution. However, the constitution does not define the concept of emergency. At the same time, the situations in which emergency powers can be exercised by the president have been spelt out in the chapter XVIII of the Constitution.

136.2. Under the constitutional scheme, Article 352 envisages that on the President's satisfaction of the existence of a grave emergency whereby the security of India, or any part of it is threatened, a proclamation to that effect may be made by him. This proclamation can be made either on the actual occurrence or there being an imminent danger. The question of threat to the security is a question of fact depending on innumerable factors and perceptions. A proclamation has multiple consequences, which are however not relevant for the purpose of this enquiry.

136.3. The powers of Union of India in the situation of external aggression against the state or armed rebellion are referable to article 352. In case of internal disturbance or a state's governance not being carried out in accordance with the constitution or otherwise, the President on receipt of a report from

Governor, being satisfied that State Government cannot be carried out in accordance with the constitution, a proclamation to that effect would be issued by the President. He would assume to himself the functions of the state and the powers vested in it or powers exercisable by Governor or any other authority in the state. The powers of legislators of state cannot be assumed by him though the same shall be exercisable by or under the authority of the Parliament. Proclamation is required to be placed and approved by both the houses of Parliament, otherwise it expires on the lapse of two months. The proclamation of emergency can be extended or made operative for the maximum period of three years.

- 136.4. Another fact which may be noticed at this stage is that while providing for the administrative relationship between the state and union, article 257-A was added to the Constitution to the effect: "*the government of India may deploy any armed forces of union or any other force subject to the control of union for dealing with any grave situation of law and order in any state. (2) any armed force or other force or any contingent unit thereof deployed under clause 1 in any state shall act in accordance with such direction that the government of India may issue and shall not save otherwise provided in such directions is subject to the superintendence or control of the State Government or any other officer or authority subordinate to State Government. (3) Parliament made by law specified the powers, functions, privileges and liabilities of a member of any force or any contingent all units thereof deployed under clause 1 during the period of such deployment.*" The Article was however repealed by the 44th constitutional amendment with effect from 20th of June 1979.

137. An emergency in Ayodhya

137.1. The Union of India took an intransigent stand before the Commission that article 356 does not provide for taking preventive measures by issuing a proclamation and imposing President's Rule in the State. It was stated by PV Narasimha Rao that factually there was no material available with the Union of India to come to a conclusion of external aggression or internal disturbance or the apprehension that State Government either could not be carried out or was not being carried out in accordance with the constitution. It was stated that in the absence of this first step, a determination of failure by the State Government to govern in accordance with the constitution could not be made by the President, nor could any such advice be rendered by the cabinet to him.

137.2. In the context of the duty of the Union to protect the state against external aggression or internal disturbance and ensure that State Government is carried out in accordance with the constitution, the Union could deploy the central forces only with the consent and concurrence of the state. In the eventuality of the state neither giving its consent for deployment of central forces nor seeking assistance of the armed forces, the Central Government could only issue formal direction for the same effect under article 257.

137.3. The power to deploy armed forces in a state when public disorder escalates to a very high magnitude making such deployment necessary, the determination

of the conditions precedent depends on the objective satisfaction of the union or the state.

- 137.4. The powers to proclaim President's Rule could only be exercised by the President upon being satisfied by the state Governor's report or otherwise that the situation had developed where governance could not be carried out in accordance with the constitution in the state.

138. The perception of the Union Government

- 138.1. Lala Ram Gupta, the senior counsel for the Union of India admitted before the Commission that he had been the counsel for the VHP, during the examination of Narasimha Rao the late prime minister of India and had cross examined him on behalf of the VHP and the Union of India.
- 138.2. On the commission's specific query on the stand of the Central Government on the White Paper issued by the Government of India, Lala Ram Gupta categorically stated that the government's stand was that Central Government did whatever it could do in the situation in December 1992. It is pertinent to mention also, that at the time this question was posed, the Central Government was led by the BJP and LK Advani was the Home Minister of India; while Lala Ram Gupta was appearing as the counsel for the Central Government or the Union of India.
- 138.3. Narasimha Rao stated that the Sarkaria commission had, after referring to the imposition of President's Rule in 1951 in Punjab and in 1973 in Andhra Pradesh, opined that the use of this constitutional power for sorting out intra-party disputes was not the correct. He pointed out that Sarkaria Commission had suggested guidelines for imposing President's Rule whereby it was said that any abuse or misuse of this drastic power damages the fabric of constitution whereas the object of this article was to enable the Union of

India to take remedial action consequent upon breaking down of the constitutional machinery so that the governance of states is carried out in accordance with the constitution and constitution is restored. Narasimha Rao opined that since the words "remedial" and "restore" were used, it clearly showed that this article could not be used preventively or as a pre-emptive move.

138.4. After enumerating the circumstances and facts of December 1992 at Ayodhya, Narasimha Rao testified that the State Government of UP run by the BJP had claimed that it had the people's mandate to construct the Ram temple and it fully expected the karseva to be conducted within the parameters laid down by the Supreme Court. In addition to it, the Governor had warned the Union government against imposing President's Rule. A letter was sent by the Governor which stated *inter alia* that "*there are reports that a large number of Karsevaks are reaching Ayodhya and they are peaceful. The State Government has given a categorical assurance to the Hon Supreme Court who has accepted the government assurance. The State Government has also assured the full protection to disputed structure and adequate arrangements have been made to protect the disputed structure*".

138.5. Narasimha Rao stated that other inputs available to the Central Government from its own agencies, the general expectation of the common people as assessed from the media and the public, as well as the opinion expressed by members of NIC and other similar bodies, taken along with a detailed consideration of logistics and practical considerations, did not warrant imposition of President's Rule. He also stated that mere rumours and

imaginations, prejudices or hearsay were not enough for such a drastic step in democracy. Governments could not run on subjective mistrust of each other be it a BJP government in U. P.

138.6. Narasimha Rao pointed out that there were no charges attributed to the Central Government i.e. doing and permitting construction in violence of courts order and failure to protect the structure. Since the karseva was to be symbolic and peaceful it did not require imposition of President's Rule. So far violation of courts order was concerned, the remedy was initiation of contempt proceedings and not the imposition of President's Rule. He opined that the time was not right for taking any drastic steps like dismissal of government or dissolution of the state assembly or the imposition of the President's Rule in the State.

138.7. Narasimha Rao expressed the apprehension that such an imposition of President's Rule would have far-reaching consequences and could also lead to large-scale violence spreading to other parts of the country as well. The possibility of damage to disputed structure itself could not be ruled out. Therefore in his opinion there was a need to be very cautious on the issue and to weigh the various alternatives. He stressed on the need to avoid a hasty decision. He stated that in his opinion factors, neither individually nor jointly led to an inference that the government of the state could not be carried on in accordance with the Constitution of India. On the other hand, in view of the governor's report and his warning against the imposition of President's Rule, it could not have been invoked. There is another factor i.e. change in view of

the Supreme Court about judicial review of imposition of President's Rule, an inbuilt inhibition on the part of executive was introduced.

138.8. Rao also pointed out the distinction between stationing central forces and their deployment. He stated, "*We can station them, but their deployment can be only when the Chief Minister wants.*"

138.9. He stated that "*an election manifesto is a question of political reading. A manifesto has certain limitations. It is to be understood in the context of the elections*". On a query that would it not be correct to say that ordinary voters will gather the impression that the BJP intended to destroy the structure and construct temple right at the very spot, he stated that, "*I would say that ordinarily voter would expect temple. How the temple would be built, what would be done in order to build the temple, and ordinarily voter will not go into it. There will be some voters who also will read the idea of demolition in this but not all voters.*"

138.10. Narasimha Rao stated that he perceived two basic problems of Ayodhya issue i.e. that in 1992 election to Lok Sabha BJP and Congress made different commitments with respect to Ayodhya, which were irreconcilable. They could only be reconciled through negotiation and consultation with religious leaders. The other dimension to the problem was that the disputed *Ram Janambhoomi Babri Masjid* structure became a hostage in the hands of the government of BJP. The Central Government did not have even a toehold in UP. The logistics of the situation ruled out a long drawn operation and the Governor's advice against the imposition of President's Rule left the Central

Government with no option but to repeatedly request the State Government to make use of central forces stationed in the state. The state took no effective steps beyond procrastination without outright refusal.

138.11. Madhav Godbole in his book *Unfinished Innings* stated that, "*the contingency plan for July and November 1992 contemplated the government of India stepping into the shoes of State Government and taking over the administration. It was the considered view of the home Minister that such action would have to be implemented without advance warning. The greatest worry was about the damage that might be done to the disputed structure during the transition period, till the central forces firmly established their presence on the ground. Since the formalities of issuing notification under article 356 are time-consuming, it was felt advisable that action should be taken under article 355 at midnight of the selected day, to be followed immediately by the imposition of President's Rule under article 356*". It was considered that recourse to article 355 which also requires Presidential approval should be followed by proclamation under article 356. Narasimha Rao pointed out the difficulty in doing so.

138.12. It was submitted that as late as just 22 days before the 6th of December 1992 not even a single person had gone to Ayodhya and in the circumstances, one could not have inferred a constitutional breakdown. It would have been a case of clear *mala-fide*. The news of a midnight meeting held for the purpose, without an agenda and even with the highest level of secrecy would not have taken 10 minutes to reach the farthest part of the globe. Next day many speculations and rumours would have been there in media.

138.13. Other ministers also did not feel confident about holding midnight meetings as advised by the Home Secretary. Even other senior officer did not agree with the Home Secretary's views. Inderjit Gupta expressed his dissent by saying that his party was opposed to the imposition of President's Rule.

139. The proceedings before the Supreme Court

139.1. During the proceedings before the Supreme Court, the court declined to appoint Central Government as the receiver for the disputed site and instead granted time to KK Venugopal, the counsel for the state of UP, to spell out what convincing assurance the state could hold out to prevent the apprehended violence. It was pointed out that the matter symbolized a weakening of constitutional institutions. The State Government, after pointing out the possible consequences of the use of force resulting in a grave situation, stated that, "*State of UP would therefore be seeking direct negotiations with the leaders of VHP and Dharam Sansad for the purpose, so that the solution for achieving the religious aspirations should be achieved without violating the orders of the court -state would be needing one week time for this*". The Supreme Court granted this time with the caution that if it appeared that no assurance of an effective implementation of the court's orders was forthcoming from the State Government, it would be the court's constitutional duty not merely to expect but to exact obedience in an appropriate manner. The order also said that "*...this step we believe would become necessary to preserve the meaning and integrity of the constitutional institutions and their interrelationships essential to the preservation of the chosen way of life of Indian people under the constitution*". Finally the case was adjourned so that State Government could pursue the negotiations with an implicit assurance that in the meanwhile the ground realities would not be altered to the detriment of courts order. This order was made by the court on the 28th of November 1992.

139.2. It was also recorded in the order that the Special Secretary of Home had placed the progress made by the State Government in regard to the negotiations with the religious groups which had given the call for karseva on the record. The State Government pretentiously expressed that as long as the writ petitions regarding acquisitions were pending and the interim orders of the High Court were in force, no construction, permanent or temporary would be allowed. However it was stated that in order to satisfy the religious aspirations of *Ram Bhagats*, *karseva* other than by way of construction might take place. The State Government assured the Court that it will ensure that no construction machinery or construction material would move into the acquired land and no construction activity would take place or be carried out as long as the High Court interim orders were in force. The UP government also agreed that the character of the acquired land would not be allowed to be altered. In this context the State Government explained, that *Karseva* would be merely symbolic.

139.3. The district judge was appointed to observe and monitor the situation and to report to the Hon'ble Supreme Court vide its order dated 28.11.1992.

"[...] We request the Chief Justice of Allahabad High Court to spare the services of any District Judge in the State Judicial Service for a period of 2 weeks in the first instance to observe and monitor the situation and submit a report to this court whenever, in his opinion, developments tending to be detrimental to the effectuation of this order take place [...]"

140. *The handicap of the Central Government*

- 140.1. Narasimha Rao stated his conclusion that vide its order dated the 28th of November 1992, the Supreme Court had in fact asked the government of India to keep out while taking effective steps to appoint an observer instead, keeping its request for receivership pending.
- 140.2. Narasimha Rao categorically stated that article 355 could not be invoked as a preventive measure; it could only be employed as a remedial measure. So was the case with article 356. It could be invoked when a situation had arisen and not when the situation had yet to arise; it could not be invoked in anticipation of a situation.
- 140.3. He stated that even according to the Sarkaria Commission's report, article 356 could be invoked on the failure of the constitutional machinery. He agreed with the opinion of Home Secretary Godbole that promulgation of article 356 is a time-consuming process.
- 140.4. He stated that what he really wanted on 4th or 6th of December 1992 or earlier, was to secure for the forces, proper access from the point where the forces were stationed to the point where they were to defend or protect the Babri Masjid structure. The access could be obtained in two ways, first by cooperation of State Government which was not granted, though not expressly denied, the other was a lawful entry which could be through receivership which too was denied by the court. The forces were resultantly

stationed with the intention that they would be available to the chief Minister and were at the behest of the chief Minister and were to be deployed by him at his behest as and when he so decided.

140.5. Narasimha Rao after making reference to article 257, 365 and 355 of the constitution concluded that the Union of India could only issue appropriate directions to the state and then grant it time to comply with them. This time could not be measured in hours and had to be reasonable time. He concluded that the only operative article in the constitution dealing with these situations is article 356. However, in addition to article 356, article 257A had earlier been added to meet such a situation, by empowering the Central Government to deploy forces subject to the control of Union of India in the state to deal with law and order situation. However article 257A had been deleted by the 44th amendment of the constitution.

140.6. He admitted that permitting the Shilanyas on the disputed site was a grave mistake.

140.7. He stated that the question of construction of temple did not figure before Supreme Court and the matter only centred on or around the Karseva.

140.8. He explained the contingency plan put to him by Godbole in his book, by stating that from the oral explanation given by the Home Secretary about the plan, it was not a contingency plan because Godbole wanted to start before the first *Karsevaks* arrived, which could not be a contingency. Therefore in Rao's view while preparedness was to be continued as was done by stationing forces, they could be used only by the State Government.

140.9. In answer to the question referring to the conclusion drawn by the Sarkaria Commission⁶³⁸ that central forces could be deployed *suo motu* even against the consent of the state in exceptional situations, Rao stated that it was possible, but in the absence of any positive power given to the Central Government in the constitution, inferential powers were not generally resorted to.

140.10. A reference was made to the Sarkaria Commission's report, which runs thus, *"this, in short, is the legal position. Nevertheless, it must be remembered that what is legally permissible may not be politically proper. Situation of internal disturbance can effectively be tackled only through concerted and coordinate action of the union forces and the state instrumentalities concerned. In practice before deploying its force in a state, the union should sound the State Government and seeks its cooperation ..."*

140.11. The governor of the state, as already discussed, is the president's man in the state. He is the official emissary of the Union and is charged with the duty of providing a continuous source of information between the state and the Union. The governor bears the heavy onerous duty of advising the president about the necessity of direct intervention, as and when required.

140.12. The entire schema of the Indian constitution is thus dependent upon the governor to gather, collate and pass on to the president, any and all information depicting the political, social and public scenario. A governor who fails to understand the responsibility of his office, or who fails in

⁶³⁸ in chapter 6 and 7

discharging this onerous responsibility is the first crack in the federal system and ultimately responsible for the collapse of the entire edifice.

140.13. In Uttar Pradesh, the Central Government could not have proceeded to intervene directly unless it had sufficient cause or had actionable information. Such cause or information could have been provided by the governor – and this was admittedly not done in this case.

140.14. By failing to report the ground realities, the governor has at best demonstrated a lack of awareness of his responsibilities and a failure to discharge his functions; and at worst a dismal, unacceptable connivance knowingly or unknowingly or consciously or unconsciously with the State Government.

141. The Sarkaria Commission's recommendations

141.1. The Sarkaria commission recommended in para 7.2.10 that the " (i) *the use of Naval, military or air force or any other armed force of the union in aid of civil power can be made either at the instance of the State Government or suo Motu by the centre; (ii) the centre may exercise its discretion to locate such forces in the states and to deploy them for maintaining public order for the purpose of centre, such as protection of central property, central staff, and works in which the Centre has an interest.*

141.2. Narasimha Rao stated that in the instance at hand, there was no question of the "state being unwilling or unable to suppress its serious breakdown of law and order." Indeed the State Government was asserting to it that it was in a position to control the situation and in fact there was no breakdown till the 6th of December 1992. He pointed out that "*in aid of civil power in the state*" as brought out in *Naga people movement of human rights vs. Union of India (1998) Supreme Court Cases 109* was the rationale followed by the Union government in Ayodhya matter although the judgement in the case came later. He opined that the matter has become quite clear that when central forces are so sent, they had to operate in cooperation with state authorities. In the situation of Ayodhya in the days before December 6 what all the Central Government could do was the stationing of union armed forces in aid of the civil power, for deployment with its cooperation.

141.3. After referring to the observations of the Supreme Court majority judgment he stated that it can hardly be argued that there was any material before him to come to the conclusion that the governments in three states could not be carried on in accordance with the constitution. Constitution cannot be measured only by what happens *in praesenti*. A reasonable prognosis of events to come and of their multifarious effects to follow can always be made on the basis of the events occurring, and if on such prognosis it had led to the conclusion that in the circumstances the government of the state could not be carried on in accordance with the provision of constitution, the inference could hardly be faulted. Narasimha Rao said that his submission was not contrary to the legal provisions as set out in the opinion of Sawant, J. The observations of Sawant, J were made while upholding the constitutional validity of the proclamation issued on 15th of December 1992 in respect of the states of Himachal Pradesh, Madhya Pradesh and Rajasthan. Relevant paragraphs of the judgment are as follows:

40. In view of the content of secularism adopted by our Constitution as discussed above, the question that poses itself for our consideration in these matters is whether the three Governments when they had to their credit the acts discussed above, could be trusted to carry on the governance of the State in accordance with the provisions of the Constitution and the President's satisfaction based on the said acts could be challenged in law. To recapitulate, the acts were [i] the BJP manifesto on the basis of which the elections were contested and pursuant to which elections the three Ministries came to power stated as follows:

BJP firmly believes that construction of Shri Ram Mandir at Janamsthan is a symbol of the indication of our cultural heritage and national self-respect. For BJP it is purely a national issue and it not allow any vested interest to give it a sectarian and communal colour. Hence party is committed to build Shri Ram Mandir at Janamsthan by relocating superimposed Babri structure with due respect.

[Emphasis supplied]

[ii] Leaders of the BJP had consistently made speeches thereafter to the same effect. [iii] Some of the Chief Ministers and Ministers belonged to RSS which was a banned organisation at the relevant time. [iv] The Ministers in the Ministries concerned exhorted people to join karseva in Ayodhya on 6th December, 1992. One MLA belonging to the ruling BJP in Himachal Pradesh made a public statement that he had actually participated in the destruction of the mosque. [v] Ministers had given public send-off to the karsevaks and had also welcomed them on their return after the destruction of the mosque. [vi] The implementation of the policy pursuant to the ban or the RSS was to be executed by the Ministers who were themselves members of the said organisation. [vii] At least in two States, viz., Madhya Pradesh & Rajasthan there were atrocities against the Muslims and loss of lives and destruction of property.

As stated above, religious tolerance and equal treatment of all religious groups and protection of their life and property and of the places of their worship are an essential part of secularism enshrined in our Constitution.

We have accepted the said goal not only because it is our historical legacy and a need of our national unity and integrity but also as a creed of universal brotherhood and humanism. It is our cardinal faith. Any profession and action which go counter to the aforesaid creed are a prima facie proof of the conduct in defiance of the provisions of our Constitution. If, therefore, the President had acted on the aforesaid "credentials" of the Ministries in these States which had unforeseen and imponderable cascading consequences, it can hardly be argued that there was no material before him to come to the conclusion that the Governments in the three States could not be carried on in accordance with the provisions of the Constitution. The consequences of such professions and acts which are evidently against the provisions of the Constitution cannot be measured only by what happens in praesentia. A reasonable prognosis of events to come and of their multifarious effects to follow can always be made on the basis of the events occurring, and if such prognosis and led to the conclusion that in the circumstances, the governments of the States could not be carried on in accordance with the provisions of the Constitution, the inference could hardly be faulted. We are, therefore, of the view that the president had enough material in the form of the aforesaid professions and acts of the responsible section in the political set up of the three States including the Ministries to form his satisfaction that the Governments of the three States could not be carried on in accordance with the provisions of the Constitution. Hence the Proclamations issued could not be said to be invalid.⁶³⁹

⁶³⁹ (1994)3SCC pages 147 - 148.

141.4. Thus the opinion of Sawant, J., supported the basis on which the aforesaid proclamation under article 356 was issued. What emerges from the above is (i) that the comments referred to, pertain to verdict in respect of the three states of Himachal Pradesh, Madhya Pradesh and Rajasthan, and (ii) they were subsequent to the demolition of the Babri structure and the demolition was the most important factor in arriving at the formulation.

141.5. Narasimha Rao further stated that a situation very similar to one on December 6, 1992, had arisen in July 1992 and had been successfully tackled by persuasion, without taking recourse to the action under the said article. Therefore, based on that experience, if the President had thought it fit to avoid such action again in December 1992 in the same hope, he submitted that it could not be faulted either. There was no glaring difference in his opinion, between the situation of July 1992 and December 1992 so as to warrant a diametrically opposite perception on the later date. He stated that the President had to decide on the basis of the material then available with him, and also the letter of the Governor of UP dated 1st of December 1992; he had also to deal with an extraordinary situation wherein the disputed structure was a helpless hostage and any precipitate action was, as per the governor's report, likely to result in the demolition of the very structure, which the Central Government wanted to save. It was in the light of these circumstances that the President's decision in UP needed to be viewed. However in view of the happenings of the 6th of December 1992, the president took a stringent view of the happenings in the other three states and ordered action under article 356. It was this later action that formed the

backdrop of the Bommai's judgement, in his understanding. The rationale of this difference in the situation as between pre-and post-sixth of December 1992, deserved to be taken note of. Rao quoted Sarkaria commission's own observations contained in para 6.3.23:

"in article 356 the expression "the government of the state cannot be carried on in accordance with the provisions of the Constitution" is couched in wide terms. It is therefore necessary to understand its true import and ambit. In the day to day administration of the state, its various functionaries in the discharge of their multifarious responsibilities takes decisions or actions which may not, in some particular or the other, being strictly in accord with the provisions of the constitution. Should every such breach or infraction of a constitutional provision, irrespective of its insignificance, be taken to constitute a failure of the constitutional machinery within the contemplation of article 356? In our opinion the answer to the question must be in the negative. We have already noted that by virtue of article 355 it is the duty of the union to ensure that the government of every state is carried on in accordance with the constitution. Article 356, on the other hand, provides a remedy when there has been an actual breakdown of the constitutional machinery of the state. Any abuse or misuse of this drastic power damages the fabric of constitution, whereas the object of this article is to enable the union to take a remedial action consequent upon the breakdown of the constitutional machinery, so that the governance of the state in accordance with the constitution, is restored. A wide literal construction of article 356 (1) will reduce the constitutional

distribution of powers between the union and the state to a license dependent on the pleasure of the union executive. Further, it will enable the union executive to cut at the root of the democratic parliamentary form of government in the State. It must therefore be rejected in favour of construction which will preserve that form of government. Hence the exercise of the power under section 356 must be limited to rectifying the "failure of the constitutional machinery of the state" and the marginal adding of article 356 also points to the same construction."

- 141.6. Narasimha Rao in answer to the question of how far his decision not to impose the President's Rule in Uttar Pradesh before December 6, 1992 was a political decision and how far was it a legal decision, replied that *"my decision was dictated by legal considerations that arise under article 356 of the Constitution. It was the assessment of my government that any action under article 356 in December 1992 would not be wanted keeping in view of the categorical assurance given by the State Government and its Chief Minister to the Union of India, National Integration Council and even the Supreme Court of India to the effect that the State Government was committed to the safety of the disputed structure and that it would ensure that no harm comes to it. This was the factor that mainly weighed with my government. We had no intention to take any political advantage of the situation by actions that would be unwarranted. I was fully conscious of the grave responsibility of the union government while invoking article 356. These Parameters are found in the observations of Jeevan Reddy, J, in SR Bommai's case. It was observed that the Central Government was sceptical of these assurances. But suppose it had taken action under article 356, dismissed the government of Uttar*

Pradesh sometime prior to December 6, 1992 on the ground that he did not have any faith in those assurances, the court could well have found fault with the action. The court would have said that there was no basis for the apprehension when the State Government was represented by the Chief Minister and other high officials was repeatedly ensuring everyone including the Supreme Court that they will protect the structure. There was no reason not to believe them and the action taken at article 356 is therefore unjustified based on mere suspicion"

- 141.7. He further pointed out the findings of the Supreme Court in the contempt petition against Kalyan Singh, to the effect, "*there had been flagrant breach of that undertaking. They has been veiled for the sweetness of the order – but there is no indication that the government bestirred itself to take any steps, a reasonable or otherwise to prevent large-scale building material getting in to site – reasonable presumption is that government itself was not too anxious to prevent the activity. It is not merely positive acts of violence but also of surreptitious and indirect aids to the circumvention and violation of orders that are equally impermissible – the presumption is that government intended not to take such preventive steps. In the facts and circumstances of the case it is not possible to subscribe to the view that the government was helpless and the situation that had developed was inspite of all reasonable steps taken by the government – it must be held that government failed to take steps to prevent the loss of violation of the orders of Supreme Court.*" It was further observed "*indeed the act of demolition of Ram Janam Bhoomi-Babri Masjid structure at the hands of religious fanatics was an act of "national shame". The perpetrators of this deed struck not only against the place of worship, but also the principle of secularism, democracy and the rule of law enshrined in our*

constitution – what was demolished was not merely an ancient structure; but the faith of the majority in the sense of justice and fair play of majority. It shows gate and the rule of law and constitutional process."

141.8. He opined that law operates on the moral presumption that all acts of the government are rightly done. The presumption is that the government which owes its existence to the constitution would honour its own maker and mother the constitution. But no law or constitution can anticipate all those covert methods of subversion resorted to, by those wielding government power for time being, if they are determined to do so. It appears that wilful sabotage of the constitution by a government formed according to constitution was perhaps not envisaged by the founding fathers of the constitution. While open violation or defiance could be detected and dealt with, covert sabotage with the wilful face is by its nature undetectable.

141.9. The Home Minister pointed out that centre was within its rights to send force to any part of country. The Centre could easily resort to article 355 but centre had not done so in keeping with the view and spirit of interpretation of the words "*internal disturbance*"

141.10. All the statements of the Sangh Parivar leaders or the organisers of the Karseva, government and political executive seemed to be designed not to give cause to the Central Government for action against the State Government.

142. The article of last resort

142.1. Ambedkar said, "*in fact I share the sentiments expressed -- the proper thing we ought to expect that such article will never be called in to operation and they will remain a dead letter -- hope president -- would take proper precautions before actually suspending the administration of provinces -- first thing would be to issue a clear warning to the province that has erred that things were not happening in the way in which they were intended to happen in constitution.*"

142.2. It is too obvious that constitutional philosophy of a democratic free country is quite distinct from that of any other way of governance. The motivating factor for imposing President's Rule should never be political gain for the party in power at the Centre.

142.3. The election manifesto of political parties should be consistent with fundamental and basic features of constitution, secularism, socio-economic and political justice, fraternity, unity and national integrity, as the constitution envisages promotion of tolerance, harmony and spirit of commonness amongst people of India transcending religious, linguistic or regional or sectional diversities and to preserve the rich heritage of our composite culture to develop humanism, spirit of reformation and to abstain from violence.

142.4. It was observed in SR Bommai's case that one stark fact that emerged was that due to the sustained campaign by BJP and other organizations, *Ram*

Janambhoomi - Babri Masjid disputed structure was destroyed. Thus they breached the basic feature of the constitution namely secularism. It was further observed that the BJP governments cannot disassociate themselves from the action and its consequences and these governments controlled by one and the same party, whose leading lights were campaigning for the construction of the Ram temple at the disputed structure which implicitly included demolition of the disputed structure, cannot be disassociated from the acts and deeds of the leaders of BJP. The President was satisfied that the commitment of these BJP governments to the concept of secularism was suspect, in view of the actions and conduct of the party controlling these governments. The governments which had already acted contrary to one of the basic features of the constitution, viz. secularism, could not be trusted not to do so in the future. Impliedly the Supreme Court held that the BJP governments had pursued an unsecular policy or an unsecular course of action and had acted contrary to the constitutional mandate. It was observed that under the constitution no party or organisation could simultaneously be a political and religious party and had to act as only one of the two. Similarly, if a party or organisation acted or behaved in any other manner to bring about the said effect, it would equally be guilty of an unconstitutional act and would have no right to function as a political party.

143. The vital questions

143.1. The vital questions posed for consideration in the context of December 6th 1992, are

143.1.1. *Could articles 355 and 356 be invoked?*

143.1.2. *Could the forces of the Union have been deployed in the state by the Union of India unilaterally?*

143.1.3. *Could President's Rule have been imposed?*

143.2. The State Government acquired power through the emotional ploy of the construction of the Ram Temple. They intended to retain power as well as retain the ploy for use from time to time, in perpetuity. The stability of the government as well as its returning to power in future polls depended on it. Disbelief and mistrust in governance was institutionalised which was invoked against the Central Government. In the process the governance, premised on honesty, faith, transparency or the interest of the general public, irrespective of the political party in power, was lost. It further accomplished governance by reaction to rumours.

143.3. The whole affair was based on mistrust of political parties, leaders and even the system. All the acts of the UP government, BJP, VHP, Bajrang Dal, Shiv Sena and Sangh Parivar as emerging from the events post demolition, the speeches of leaders etc., were in order to avoid the deployment of paramilitary forces or imposition of President's Rule. All acts and speeches were so

articulated as to ensure that no cause was made available to the Central Government to invoke articles 355 or 356 of constitution.

143.4. The dice was irredeemably loaded in favour of the State Government. The then Prime Minister Narasimha Rao was heading a minority government at the centre.

143.5. He rightly concluded that neither the central forces could neither be deployed by the Union in the totality of facts and circumstances then prevailing; nor could President's Rule could be imposed on the basis of the rumours or media reports. Taking such a step would have created bad precedent for future damaging the federal structure of the constitution and would have amounted to interference in the state administration.

143.6. The onus for the campaign of disinformation must rest solely with the State Government who deliberately and consciously understated the risk to the disputed structure and general law and order. This obfuscation of the ground reality deprived the Central Government of the basic prerequisites for imposing President's Rule.

143.7. The Central Government's agent, the Governor of the state, could possibly have played a better role in alerting the government to the factual situation and provided the basis for central intervention, even without the State Government's concurrence. However, as it turned out, the Governor's assessment of the situation was either badly flawed or overly optimistic and was thus a major impediment for the Central Government.

- 143.8. Once the State Government and the Governor had made similar optimistic and, with the benefit of hindsight, fallacious reports to the government, the Central Government was bound to believe them, as was done by the Supreme Court, and stay its hand.
- 143.9. The repeated communications and parlays from the Central Government to the State Government, imploring the latter to utilize the paramilitary forces are a clear pointer to the intention of the Central Government to avoid the catastrophe which took place. On the other hand, the systematic campaign of untrue assurances and assertions of self sufficiency by the State Government placed the centre in an impossible situation where it was reduced to the position of a helpless bystander.
- 143.10. President's Rule ought to have been imposed in the state – that is beyond any doubt, as evidenced by the events of December 1992 and later. However, the constitutional restraints imposed on the Central Government were cleverly utilized by the State Government at the time to deprive it of this option.

144. A strong centre for a strong country

144.1. The State Government of Uttar Pradesh in 1992 made intelligent and deliberate use of the constitutional restraints on the Central Government. Knowing full well that its facetious undertakings before the Supreme Court had bought it sufficient breathing space, it proceeded with the planning for the destruction of the disputed structure.

144.2. The Supreme Court's own observer failed to alert it to the sinister undercurrents. The Governor and the intelligence agencies, charged with acting as the eyes and ears of the Central Government also failed in their task. Without substantive procedural prerequisites, neither the Supreme Court, nor the Union of India was able to take any meaningful steps but to scream hoarse from the sidelines.

144.3. The year 1992 was witness to deliberate subversion of the constitutional safeguards by a recalcitrant state regime. Unfortunately this travesty of democracy is still possible in today's time.

144.4. Urgent attention needs to be paid by the sentinels of democracy to remove the procedural restraints which tie the hands of the Central Government and make it a hapless bystander in the pursuit of power by vested interests.

144.5. The divisive tendencies of malcontent regional leaders and their attempts to wrest power harm the country. The country is in need of statesmen who can think for the nation as a whole, rising above insular confines. The strong

centre envisaged by the founding fathers of the constitution did not envisage that the benign verbiage they selected would be used in the not so distant future to allow free rein to those who think of India as a chance aggregation of nation-states rather than a unified nation.

144.6. Mahatma Gandhi put it most aptly, when he said

What difference does it make to the dead, the orphans, and the homeless, whether the mad destruction is wrought under the name of totalitarianism or the holy name of liberty and democracy?

144.7. It is not just the demands for Khalistan, Bodoland, Telangana and other ethnic ghettos which draw artificial wedges between Indians. When the politicians are not busy trying to carve out bloody political boundaries on the body of the nation, they are busy trying to throw out undesirables from existing states. An undesirable could be just about anyone – someone who does not speak the same language as the average Marathi Manos or someone who was not fortunate enough to be born in the Devabhoomi of Himachal Pradesh and thus according to them has no right to own a home in the entire state.

144.8. Condoleezza Rice best summed up the thinking of these petty leaders, “*we need a common enemy to unite us.*” The mischievous leader only needs to find that one commonality – that one thread that connects him with his chosen audience – and he has a readymade target for directing his ire and violent vituperative slogans against. The common enemy is a most convenient device

for artificially uniting people under one banner and to prey on fear, mistrust and mischief to declare war on them.

144.9. History shows these shameful patterns and trends in all ages. Hitler managed to create a wedge between his superior race and the Jewish people, gypsies, homosexuals and all others he deemed unacceptable. He stoked the flames of fear and hatred to turn neighbour against neighbour and friend against friend. The genocide in Rwanda resulted from the artificial distinction between a Hutu and a Tutsi although they were the one and the same people not too far ago.

144.10. The people who had been living in peace days before the tragic days of the partition of the country were herded into buying for each other's blood by similar leaders. Even after 1992, and in the not too distant past, India has already seen many sporadic episodes verging on ethnic cleansing and genocide. The Central Government – of whichever party or parties it is composed – has to be empowered and unshackled to be able to deal with this imminent threat that faces the nation. It is far too easy for a street vagabond to undo the historic efforts of a Patel to unite this great land. It will require a resolve of steel to pre-empt it.

144.11. What unfortunately remains unsaid by the mass media and the politicians today is that the need of the hour is a strong centre which can resist these divisive tendencies of leaders with blinkered vision. The founding fathers could not have anticipated that their restrained approach would prevent the

centre from taking action to prevent genocide or ethnic cleansing within the country.

144.12. Riots or disturbances in any part of the country, especially when they are sponsored, facilitated or tolerated by a State Government, require the Central Government's urgent intervention. Whether the intervention takes place via President's Rule or using a national investigative agency, the need for concerted and focused action is writ large.

144.13. In 1992, the Central Government had been blinded and handicapped – by the inaction of its own agent in the state and by the unfathomable trust the Supreme Court placed in the paper declarations of the Sangh Parivar. It is necessary however that such a tragedy is not allowed to take place in the future.



सत्यमेव जयते

REPORT OF THE
LIBERHAN
AYODHYA
COMMISSION
OF INQUIRY

CHAPTER 12
SECULARISM

145. SECULARISM

145.1. The Hindu society is a well rooted and established patient society since time immemorial. It is of multicultural, multi religious, multilingual, multi-regional, multi-caste and multi-creed people. It has diversity of language and religion. The basis of secularism is the tradition of acceptance of complex, multilingual, multi-ethnic and multi religious diversity as demonstrated in the historical process of thousands of years. Pluralism of religions and convictions is well recognized. There is strife amongst indigenous religions because of diversity of language and religions. It has multi-religious faiths, diverse creeds and culture.

145.2. Innumerable factors like geography, race, religion, culture, and language etc make a nation. One single component, howsoever important it may be, is of no consequences in making a strong nation, nor is any one act good enough. Cultural nationalism howsoever defined or explained philosophically or literally would alone not make a particular nation. It is the sum total of all that confers on a person his nationality. There is no doubt that while religion is a distinct factor making a nation, still the culture and other factors become important for forming nationality.

145.3. Democracy is accepted as one of the best forms of government, all over the world. It gives the opportunity to break free from caste and creed etc. from which our society was and is suffering. It provides an opportunity to develop a casteless society. It stands for freedom of conscious belief, tolerance and

mutual respect. In it, everyone who is governed participates in governance. Fundamentally our democracy depends upon the principle of representative government. The democracy means majority rule. It is one of equal representation of equal number of people, regional needs, interest, ignoring the ethnic, religious, political, racial, geographical and demographic facts. It is based on the doctrine of equality as its foundation. It means letting the people not to have a religious state and society. In democracy legislation reflects the majority sentiments. The minority cannot win their view point in the political process.

- 145.4. A particular question which arises in democracy of adult suffrage is, what happens to democratic, human rights and the minorities? In a democracy cosmopolitan, traditional, religious ties, social fabric, commitment to rule of law, respect for humanity because of question of faith, politics of religion and money enwind with it. Minorities have to be protected from manifestation of community morality or bigotry. At the same time it has to be ensured that it does not trample down majority under the garb of minority rights. Rights of majority are required to be protected, ensuring the minority rights to an extent, that they do not become tyrannical. The judiciary has to take care that the minority's sentiments are not trampled by the majority sentiments, while at the same time exercising self restraint to ensure that it does not itself turn tyrannical, destroying the very constitutional spirit and democracy which it seeks to safeguard. The question of rights of majority or minority is a question of perception of human affairs, for which politicians, statesmen and social leaders are expected to be experts.

- 145.5. There is no gain saying that no democracy would be perfect, particularly when human beings operate it. Crafty nature of human beings cannot be denied. In democracy no electoral process can succeed in the absence of political parties. Fundamental rights protect not only the rights of majority but of one and all. Our constitution ostensibly granted and continues concessions to minority religions, recognizing them as social communities. Personal laws were included in religion.
- 145.6. In one of his lectures, Amartya Sen pointed out that by the end of the century India will be home to one half of all the illiterates of the world. The heartland of India, covering four states of Hindi belt and sharing 40% of the population of India is at the top of the illiteracy graph; which dubious distinction cannot probably be removed for decades.
- 145.7. It was realized that we were governed on the principle of divide and rule, be it on the basis of castes or religions or regions. The country suffered from caste discrimination. The process of secularism was being represented at social level by Bhim Rao Bala Sahib Ambedkar, Jyoti Phule etc. Appropriate treatment for *Shudras* and women at social level was spearheaded by them. Mahatma Gandhi represented it at the political level. Mahatma Gandhi said, "*Religion should pervade every one of our actions. Herein religion does not mean sectarianism.*" He said "*religion and state will separate – I swear by my religion and I will die for it. But it is my personal affair. The state has nothing to do with it. The state will look after your secular welfare etc. but not your or my religion. This is everybody's personal concern.*" Jinnah gave a different meaning to religion.

- 145.8. Nehru said, "*what it means is that it is state which honours all faiths equally and gives them equal opportunity as a state, it does not allow itself to be attached to one faith or religion which then becomes the state religion – and in a country like India no real nationalism can be built up except on the basis of secularity – narrow religious nationalism are a relic of past and no longer relevant today*"
- 145.9. Keeping in view the cleavage between the castes, the religions, past experience, and the historical experience, framers of the constitution provided for separating religion from political governance. It envisaged a state without any religion of its own. It may be given a name of secular state. Secularism was meant for doing away the hierarchy of caste, religion etc. Constitution provided secularism as the premise for governance. Framers of constitution used it *sine qua non* in the creed of governance.
- 145.10. Austin said, "*The Indian constitution is the cornerstone of the nation*" and observed that, "*the constitution makers intended to secure secular and socialist goals envisaged in the preamble of the constitution.*" Constitution allows the fulfilment of carving of self-realization or religious beliefs with national loyalty. It had been admitted even by LK Advani that secularism is the constitutional necessity, despite the fact that he carried out the mobilization which had as one of its objectives, the initiation of a debate on secularism or the need for redefining it.
- 145.11. Amartya Sen said that the idea of India, tolerant of different religions was taken for granted. It has been severely damaged by the extremist Hindu political groups by politically organized mobs of activist Hindus, repeatedly

going on the rampage; the police frequently failed to protect the Muslims under attack, and were more violent in dispersing Muslim mobs than the Hindu ones. He further pointed out that the extremist Hindu political movement that spearheaded the present turmoil has gone on to demand an official end to Indian secularism, to be replaced by the recognition of India as a Hindu state. After pointing out that secularism was an integral part of pluralism, he said that the sectarian forces trying to demolish Indian secularism would have to contend not merely with the presence and rights of the Muslims in India, but also with India's regional, social, and cultural diversity.

145.12. Amartya Sen stated the country has well over a hundred million Muslims.

India is the third largest Muslim country in the world. To see India just as a Hindu country is fairly bizarre in view of that fact alone, not to mention the fact of the intermingling of Hindus and Muslims in the country's social and cultural life.

145.13. Our constitution is the sole religion, caste and creed for governance. It does not tolerate classes amongst its citizen based on any *isms*. Equality is its hallmarks.

145.14. Seervai said "*Sants may do without property but constitutions are for the frail humanity, and men who have the haunting fear of being deprived of property are not free Indians*". This thought applies as such to the freedom of religion which has been granted by the constitution in its fundamental rights for all men of the country may they be in majority or minority.

146. The definition of Secularism.

146.1. It is well-known that in the north or in the Hindi speaking belt, mostly regional parties are confronting the Hindu BJP political party at the national level. Congress failed to take a stronger position in the extremely destructive Hindu political violence like demolition of mosque. All the parties believing in secularism had not only consistently challenged election of Hindu political parties and provided effective leadership in defending the constitutional secularism against communal politics. Other political parties having obsessed with the fear of losing votes to sectarian Hindu parties did not take any strong defensive stance to meet the propaganda of anti secularism, communal, and religious in order to win the election. No political mass opposition was organized to meet the communal or anti-secular slogans. Promoting of sectarian view of Hindu nationalism is not something new to the country. Hindu Mahasabha had been unsuccessfully propagating and representing said view in the past.

146.2. Secularism has been defined and interpreted by innumerable philosophers, thinkers, leaders, preachers, according to their perception, of course with the limitation of language and situation inherent in it. Secularism got associated with enlightenment of men of verifiable knowledge. It was recognized that man has to take the responsibility and bear the consequences of his own follies and inequalities. It became a means to liberate the human spirit from bondage etc. Freedom of faith and religion is integral part of social structure

and not the bounty of the state. Secularism, with the passage of time, has acquired various meanings, and shades. There is a great scope for discussing it. Amartya Sen wrote, “*one of the problems that secularism as it is practiced in India is that it reflects the some of the collective feelings of intolerance of the different communities and is not based on combining their respective capacities for tolerance*”. Authorities take repressive action whenever any religious community claims that it has been offended.

- 146.3. The Oxford dictionary defines secularism as the opposite of fundamentalism extending secularism to an extreme has the danger of isolating oneself from the largest segment of society or community. The Supreme Court accepted that *secular* means the republic in which there is equal respect for all religions. Jag Mohan while describing secularism observed that *[in] India religion is anything but a soporific learning the oppressed to quiescence and inaction*. Conformity to religious doctrine is not enough to sustain secularism. The inherent legal compulsions of a federal structure put a restraint on the law enforcing agencies to effectively carry out the secularism to its logical end. Secularism is nothing else but providing a casteless society. The cleavage between Hindu and Muslim is a challenge to secularism. Amartya Sen said that given the heterogeneity of India and Indians, any alternative to secularism would be unfair. Hinduism within itself has a diversity that is not only in caste but also in innumerable thoughts and differs from the other. Britishers used to refer to “Hindu Muslims” and “Hindu Christians” in order to distinguish them from Muslims and Christians from outside India. Sen wrote that even among those who see themselves as religious Hindus, a great

many would dispute Ram's divinity. The identification of Ram with divinity is common in the north and west of India.

146.4. Justice Chinnappa Reddy while delivering his Ambedkar memorial lectures on "Indian constitution and secularism" observed that "*Indian constitutional secularism is not supportive of religion at all, but has adopted what may be termed as permissible attitude towards religion out of respect of individual conscience and dignity. There even while recognizing the right to profess and practise religion etc, it has excluded all secular activities from the purview of religion and also of practices which are repugnant to public order, morality, health and are abhorrent to human rights and dignity as embodied in the fundamental rights guaranteed by constitution.*" Constitutional secularism cannot be termed anti-God or anti-religion. Basically it is a concept essential for the working of democracy.

146.5. Constitutional secularism should not be given meanings. Secularism is the basic structure of our constitution. It should be understood in the context that the framers thought of, or in the context that the common man understands it, as he is to follow it. State sovereignty should not be used in propagating or extending helping hand to a particular religion. The Gandhian concept of secularism preached an equal tolerance and respect to all religion. Unity of India cannot endure half-baked and slanted meanings of "religions" and "secular". We have to come to terms with ethnic diversity.

146.6. Secularism or the constitutional secularism and the pluralist tolerance in India are facing innumerable challenges. While defining nationalism it is sometimes referred to as cultural nationalism in preference to the

geographical nationalism, pseudo secularism, practical secularism compared with constitutional secularism, politically convenient secularism defined, communal fascism, sectarian nationalism, militant obscurantism, casteism, and regionalism and in any form of communalism etc. The entire movement of Hindu politics cannot be termed as fascist in any sense, yet there are specific political characteristics that are generally associated with the movement which were present. These elements identified with the Hindu extremists politics in India to-day, include the use of violence to achieve sectarian objective, the victimizing of members of the particular community, mass mobilization based on frenzied and deeply divisive appeals, and the use of constitutional and strong arm matter to debase particular groups. Killing of many Muslims in cities is a well known act of extremist Hindu groups.

146.7. Secularism is the only social and political engineering model which has the sanction of our constitution, to govern the multi-religious, multi-cultural people who live in this vast country.

146.8. In a democracy, there is always the latent danger of the religious majority riding roughshod over the rights of the religious minority, especially if the basic democratic process of elections has been hijacked by a religious rather than secular agenda. To counter the possible trammeling of religious freedoms of even the tiniest of religious minorities, specific provisions have been made in the Constitution to guarantee individual and collective freedom of faith, religion and language to the minorities.

146.9. Religion and state have thus been separated so that people are polarised by the electoral process on any ground other than those of religion, caste, culture or creed.

146.10. It emerged succinctly from the evidence adduced before me that of the proponents of the temple movement (the majority of whom are of the opinion that nationalism is grounded not in geographical but cultural identities) believe that they are the victims of historical injustice perpetrated on the indigenous population during the Mughal era; and they had therefore undertaken to not only undo the historical injustices but to seek retribution for the as well. This stream of thought militates against the secular tone of the Constitution.

146.11. Communal violence or tension does not spring up overnight; rather it is built up over a period of time through communal propaganda, nursed with anecdotal incidents narrated with communal overtones. This classic methodology was employed by the Sangh protagonists who used the dying embers of the post-partition riots and fanned them into resurgent hatred for the Muslim community. Riding the currents of hot air emanating from these flames of hatred, they landed in the corridors of power. The early modest success raised high hopes of seizing the reins of power and spurred these people on to blatant intermixing of religion and politics. The promise of unbridled power attracted those in public service as well.

146.12. Winning of elections was perceived as an exercise in consolidating “vote banks” of minorities. Even whilst securing benefits for their “vote banks”, any

concession given to those belonging to any other religious or cultural group was attributed to an appeasement policy.

147. Intolerance in Ayodhya

- 147.1. BJP managed to channel the frustration of illiterate or semiliterate persons into a destructive direction and tried to increase its political impact for which purpose it stoked mass hysteria. The record of the police of the UP at Ayodhya on the 6th of December 1992 in failing to prevent the vandalism at Ayodhya is fairly dismal and speaks volumes about the extent of communal fascist thought among the police.
- 147.2. BJP is the successor of Jan Sangh and Hindu Mahasabha. Jan Sangh and Hindu Mahasabha had failed in their *nationalist movements*. There is no doubt that during the elections three quarters of Hindus in India have not voted in favour of BJP rather for secular parties.
- 147.3. Two religious groups in a nation cannot claim a separate nation only by virtue of religious identity. Though prior to partition the two nation theory propounded by the Muslim League was not accepted, now it has become an established fact.
- 147.4. The other theory that Muslims of India are loyal to Pakistan rather than to India too cannot be accepted as there is no serious evidence for these theses. It is a fact that a large number of Muslims consciously opted to stay in India than to go to Pakistan in 1947. There is a large number of Muslims in various services including army and it is unfortunate and unacceptable for their loyalties to be doubted given the complete lack of evidence. The

Muslims ought not to have to prove their loyalty time and again to counter the malicious propaganda of those with vested interest, especially since there is no credible or believable evidence on the record casting any shadow on their loyalty.

147.5. Hindu nationalist draw on Indian history to point out that the Muslim kings destroyed many Hindu temples. Most of the Muslim emperors with passage of time were *Hinduised*, and to cast a typical Muslim in the same mould as the Mughal emperors in India would be a travesty of history. Hindu extremist groups seem bent upon rewriting and reconstructing Indian history. A number of Hindus see the past Muslim rulers in a different perspective. The Muslim domination ceased to be a foreign rule. It is not that Hindus suddenly become more aware of the alleged misdeeds of Muslims rulers in the past, and certainly not because new historical facts have just been discovered. It is the political activists who are trying to recreate an imaginary historical account, mixing fact with fantasy. The idea behind seems to be that retributive justice can be sought now for the past mistakes of the Mughal kings. As observed by Amartya Sen, this is not only ethically grotesque, but historically preposterous.

147.6. Amartya Sen wrote, *the heritage of contemporary India combines Islamic influence with the Hindu and other traditions easily be seen in literature etc. the impact of Islamist Sufi thought is readily recognizable in contemporary Hindu literature such as Kabir*. No communal line can be drawn within Indian literature setting Muslims and Hindus on separate sides. Exploiting people's archaic belief in

order to generate a religious frenzy to be used for political proposes is another weapon used for acquiring political power.

- 147.7. The effect of communal fascism in Mumbai and the attack on the disputed structure at Ayodhya shows how the force or militant obscurantism can be exploited as political weapon. The low level of elementary education certainly contributes to this. The failure of the Indian governments to expand mass education has done much to make these groups vulnerable to militant obscurantism, which vulnerability has also been thoroughly exploited by the extremist Hindu political leaders though illiteracy is not the sole cause of Nationalist Hindu politics generally. In recruiting candidates in the Ayodhya movement widespread illiteracy had been exploited by skilful political leaders.
- 147.8. The Indian Constitution prohibits the establishment of a theocratic state. It also prohibits the state from being identified with a particular religion. Secularism is an attempt to rid society of casteism and communalism. The need is for a secular state which is not hostile to religion, while at the same time being neutral in matters of religion.
- 147.9. The conflict between culture-based politics and the secular state, religious and ethnic nationalism came on the national scene, with this thought and philosophy cloaked as cultural nationalism. Multiple philosophical meanings were given to this *cultural nationalism*: nationalism, secularism by the preachers, *Sadhus* and *Sants*, philosophers, thinkers and the political leaders etc., according to the expediency and need of the time as suited them. Communal identities continued to exist and bigotries remained untouched

and resisted the liberal trend. The leaders of the communities attracted the attention of the political elements that looked upon them as guarantors of the community's vote bank.

147.10. The majority was presented the fear of the minority overtaking the majority, while the minorities' insecurities were stoked by the guardians of the nation. The new scramble to use *Hinduism* politically resulted in a realignment of castes, seriously jeopardizing the constitutional ideals of secularism.

147.11. The beginning of this decline was signalled by the eagerness with which political parties jumped into the temple construction movement. The common man was now the victim of politics ending.

147.12. There cannot be two opinions that self seekers in politics and religion still ally with each other in their quest to acquire power and wealth. Every power seekers hoped that the revival of religion in public consciousness, contrary to secularism, would act as the road for successes for political power. This process has unfortunately taken root firmly and is now a growing tree.

147.13. One has to pay price for sustaining independence, unity, freedom of individual, and freedom of religion in democracy like ours. Secularism is essential for it and has to be sustained even at the cost of opposing the will of majority, to sustain the unity of society. Minorities cannot be treated as second-class citizens and security has to be provided to them by the majority despite the advantages and disadvantages of secularism; a workable formula has to be devised to ensure secularism. Efficacy of fundamental rights has to be protected since these are the only protection available to the weaker

section of society or minority. It has to be ensured that minority will be allowed to prevail to a limit so as not to trample all over the majority will. It is thus vitally important to strike a balance. Rights articulated on the premise of religion etc. cannot be permitted to act as clogs in the working of democracy or secularism. Dr Zakir Husseini famously said, "*Secularism is when you do not remember one's religion or caste*". Similarly Dr. Abdul Kalam Azad the former president of India observed "*even the religious susceptibilities of the persons of different religious persuasions or creeds are anti secularism.*"

148. The Sangh Parivar and secularism

- 148.1. Religious nationalism commands loyalty to religion. It is preferred over the nation. Religions are filled with martial metaphors. Martyrdom, violence and *sacrifice* are prominent in it. Religions usually carry sanctions for them. The public's respect for political institutions has been deflated and consequently religious revolutions have succeeded. Religious states are being established. Religious states are usually authoritarian and have a propensity of being dictatorial as they feel that their religion alone is right.
- 148.2. RSS is a highly structured organization, virtually like an army. The BJP is its political wing and it consists of committed men of extraordinary ability with loyalty to its organizations, outweighing constitutional institutional loyalties. This fact has been emphatically denied by the leadership of the BJP as well as that of the RSS. However on the basis of preponderance of the evidence, its prognosis and in totality of circumstances, no other conclusion is possible.
- 148.3. BJP and Shiv Sena, the political parties joined the movement for construction of temple. Religion was used as a strategic tool to infiltrate into the governance of the state. Vituperative tirade against the Muslim community invoking centuries old history broadened the cleavage between Hindus and Muslims. Constitutional secularism was challenged by attributing motives to the state that it was dabbling in pseudo secularism, using it as an instrument of appeasing the minorities. The issue of Ayodhya was converted into a political issue as a means for acquiring power. Religious matters were hyped

up as a part of the political campaign. They were not discouraged during the election campaigns; rather they were encouraged and carefully managed. Resultantly the people with religious faith started demanding that the political nominees promise concrete results in the religious field once elected as legislators.

148.4. In such a situation it became impossible to gain the required support for secularism from legislators, let alone hope for its implementation. The battle for political power and not ideology under the thin veneer of secularism became the motivating factor. The recluse or the Sadhus and Sants come to the belief that nothing matters beyond political desirable results however achieved. Politicians had not turned Sants, but Sants turned politicians. The use of religion during electioneering or for electoral purposes diluted the concept of secularism and casteless society. Religion became intertwined with politics and started demanded political power as well. It made the legislative power deceptive and it becomes difficult to resist the bias in favour of a particular religion in the name of secularism, leaving the appearance of secularism intact. Role of caste and religion in the present day election scenario was admitted even by LK Advani and VP Singh.

148.5. The entire might of the state authority, political executive, administration, Sants, persuasiveness of the religious authorities and the religious sentiments were used to build a political movement in the name of a religious moment of, and for a particular community with the motive to acquire political power. Attempts were made for balancing *constitutional secularism* and the *conceptual secularism* of the organizers mixed with vote catching devices by exploiting

communalism and religion as the sole object. Articulation of any nature, be it philosophical, religious or historical was directed to acquire political power irrespective of the consequences to the integrity of the country or social fibre or the casteless society envisaged by constitution.

148.6. On the failure of the earlier leaders to provide a casteless society, with the passage of time, in the game to acquire political power, the leaders' appeal to caste and religion etc. became a key determinant of political identity. In the process Hindutva, though described by the leaders differently, but understood by a common man as a religion, became a credible political movement.

148.7. The police and the administration were politicized on the basis of proximity to those in power. Declarations by political parties for constitutional secularism were rendered *non est* or nugatory in view of their *inter se* diagonally opposed political and power interests. They laid stress on measures with the objective of favouring one section of society or the other. Their appeals to them were of utmost simplicity devoid of conviction.

148.8. Hatred and fear constituted the whole gamut of politics. Creed, envy, religions and the security of people had been always the main plank of politics with deception and hypocrisy having crept in our constitutional concept of secularism.

148.9. People began to live in their own sheltered communities. Political middlemen emerged as interlocutors for religious communities. They picked up religious emotional issues to tighten their control over the communities.

They exploited issues and the people's religious sentiments for their vested interests.

148.10. Secularism faced the unpleasant aspect of the religious leadership during the temple construction movement with political power seekers in control of political scenarios. The key negotiators with the government aimed at a new deal for the nation's Hindu votes. As the later events disclosed, the Hindu leadership did establish its might, to be reckoned with through this movement contrary to the concept of secularism.

148.11. The communal feeling in the majority community was provoked by an extensive and sustained campaign of rumour mongering that a particular community was not loyal to the country; further deepening the fears of the majority community by alleging that the minority was increasing while that of the Hindus was decreasing. It used to be preached especially amongst gullible rural, urban and self proclaimed intellectuals, philosophers who commanded some influence within their geographical territories, that the Hindu is Hindu by birth while others acquire their religion either by baptism or by becoming Muslims. A section of such a group proclaimed that there cannot be good administration if there is the rule of people with different religious faith and beliefs, that is, Hindus and Muslim etc.

149. The need for a concerted effort for change

- 149.1. Politics tries to capture religion through whatever means and howsoever desirable they may be, not caring for maintaining independence particularly in a secular state. Neither logic, nor objectivity, nor intellectual honesty counts in the achieving of correct political result.
- 149.2. Secularism needs stronger race relations legislation and the establishment of an agency to monitor secularism, and forewarn against cast-oriented political parties. It needs continuous political struggle for social, economic and secular justice. Ways to eradicate the prevailing regionalist, religious or casteist or clannish approach have to be found honestly and without hypocrisy. Secularism should become a way of life. The political leadership has to display an unusually high commitment to race relations with the role of the community.
- 149.3. Castes and religions with all their disadvantages are not only a fact of Indian life, but is thus around the world. A religion and caste based approach exists today in the administration, political executive, administration, judiciary and most of all, in the institution of the police. Action is therefore needed before this becomes an endemic and ineradicable disease threatening the very survival of society.
- 149.4. Justice Black of the US Supreme Court, observed “relations between secular and non-secular forces were becoming tenuous and over bearing. The

leadership of the respective classes began to stress on pride and vanity. It is quite essential to uphold the federal government and the state to the highest standards of protection of individual rights and liberties in the nation's history". The observation holds good in the context of Indian history, culture and the need of the constitution to sustain the integrity and unity of the country.

149.5. At the cost of repetition it may be observed that enduring freedom is pretence for manipulating Indian affairs. Political and religious overlords attempted to rewrite the national statistics, citing the protection of Hindus or Hindu as a religion as their sole fiefdom. Political parties supported by religious parties may have secured majority in particular state legislatures but in terms of percentage, the people who have voted them in, have never exceeded more than 25% of the national population; which does not lend any support to the contention of the organizers of the temple construction movement that it was the demand of the nation as such.

149.6. The demand cannot be put on the same pedestal as that occupied by the *War of Independence* which was the demand of the entire nation and all the people irrespective of caste, creed or religion. Equating the War of Independence with the temple movement is not only stretching history to impossible limits, but is also patently ridiculous. The whole temple movement was contrary to the philosophy of tolerance. It is paradoxical that the party making the demand for construction of temple and supporting the movement for the same, was at the same time the government in power refusing the demand for

ensuring protection of the disputed structure, without the demolition of which, the temple could not be constructed at the disputed site.

149.7. The state instead of providing security, actively participated in the religious demand of a particular community, thereby putting constitutional secularism to jeopardy.

149.8. The President of India imposed President's Rule and dissolved the legislative assemblies of the states governed by BJP in the context of their support to the temple construction at Ayodhya by observing, "*the president was satisfied that the faith of these BJP governments in the concept of secularism was suspect in view of the acts and conduct of the party controlling these governments – governments have already acted contrary to one of the basic features of constitution*".

149.9. The Supreme Court while upholding the act of the President in SR Bommai's case held that, "*thus they breached the basic feature of the constitution namely secularism.*"

149.10. Murli Manohar Joshi admitted that although the issue had the propensity to divide the country; still the religious issue had been put up in a political format. The political scenario of the nation kept up the campaign of temple construction. It would not be allowed to be forgotten as one could not afford to let loose or relinquish their hold over the Hindu minded religious section of society or their stronghold of Hindus' votes. The issue would be kept alive, ready to go to streets directly as and when they liked or through their allies and protégées. The fear of the minority's numbers increasing over those

of the majority, and the security of the life of the minority is being consistently voiced by small-time local and pedestrian “leaders”.

149.11. Society needs a radical transformation and it is the cultural, religious and educational institutions which must do so. The UP government however did nothing to discourage political mobilisation on the basis of religion, for political ends.

149.12. The temple construction movement was an attempt in the name of free exercise of religion and an attempt to reopen the old wounds for political rewards. Leaders of the moment surreptitiously encouraged the rise in temper, banking on the people’s hopes and faith. It was covertly and overtly supported by the authorities and resulted in the participation of political and religious groups to acquire power, name and fame. The combination of social aspirations with religious expression established a distorted meaning of Hinduism and Hindu as religion. Unfortunately in Indian politics, there are some people for whom electoral advantage has taken precedence over the need for constitutional secularism.

149.13. No one should be allowed to reorganize religion for political ends as was done in the case in hand. There is no doubt that constitutional philosophies always have political results but it is understood that they should not have political intentions.

149.14. The leaders of the movement failed to honour their promise of a symbolic *Karseva* because of the lack of centralized control of the organizers or even the control of the Sadhus and Sants. They were unable to control the hot or

ill-tempered leadership despite all claims of discipline and capacity to sacrifice. The stench of lust for power was in the air without any control and desperate efforts to come into power through castes or religion etc. were obvious.

149.15. The image of the organizers and leaders projected was that of fanatic Hindus preaching the lesson of Hindutva or Hindu as a puritan country and attributing the tragedy of the partition of the country to Muslims as a community.

149.16. A tolerant society or population is not automatically secular. The religious difference between Hindus and Muslims cannot be disassociated from the diversities within Hindus and between regions of India. In the Indian atmosphere of multicultural, multi religious, multi linguistic and multi regional society etc., the state, in order to wield moral authority, has to wash its hands off sectarian conflict. A partisan state is an open invitation to civil war.

149.17. Amartya Sen observed that, of the BJP members of the Indian parliament elected in the last polls, more than 90% came from just eight states and Union Territories in the northern and western India. Of these, more than 40 per cent were from one state—Uttar Pradesh alone.

150. What can be done to defend to secularism?

150.1. The threat of communal fascism can be countered only through determined opposition by the public as well as by the government. The political parties have to stop appeasing organizations fostering intolerance and instead need to confront the ideology of such groups or organizations, including for instance, the Shiv Sena and other members of the Sangh Parivar.

150.2. One must distinguish the particular features of militant obscurantism from communal fascism and from the general threat of Hindu nationalism. Obscurantism, religious fanaticism and communalism generally thrive on poverty and educational backwardness and where development is poor, school education is most limited, local leaders are hungry for the rags to riches story. It provides for easy recruitment of passionate masses of destructive volunteers in the name of religion. Political exploitation depends not only upon the availability of exploitable masses but also on actual policies of sectarian political leaders dealing with them.

150.3. I am of the considered view that the Sangh Parivar, especially its political wings, are concentrating for becoming powerful sectarian power groups. It can be noticed that in the states in which organized challenges to the political domination of the high castes has been prominent, there were fewer cases of communal violence. It is important to distinguish between the small band of hardcore believers and the larger group of recruits to Hindu nationalism. This second larger group is attracted to sectarian Hindu view of Hindu

nationalism by use of a systematic and a distorted reading of Indian history and culture.

150.4. Present Hindu politics bases its manipulative reliance not only on ignorance but also ignores nationalism with the nationalist traditions of India. Hindu militants choose explicitly or implicitly of idolaters, fanatics, belligerent devotees and religious marauders.

150.5. The need of the hour is statesmen who can rise to the goal of secularism and of a casteless society in preference to electoral advantages. A constitutional struggle against the bigotry of religion and caste is facing the nation. Leaders have to rise above their political affiliations to discourage the mischievous theories being floated. Leaders have to come forward to fight this monster of intolerance and political opportunism. We need to protect the constitutional secularism without adding *ifs* and *buts* or giving it different meanings as per the convenience of various religions.



सत्यमेव जयते

REPORT OF THE
LIBERHAN
AYODHYA
COMMISSION
OF INQUIRY

CHAPTER 13
THE ASSAULT
ON THE MEDIA

151. THE ASSAULT ON THE MEDIA

151.1. The RSS with the VHP as its frontal face was carrying the temple construction movement. BJP is an institution or a political party which may or may not legally be a part of the RSS, yet for all intents and purposes was under the control and subject to its influence and directions. The Bajrang Dal, Dharam Sansad, Kendriya Marg Darshak Mandal and the other bodies, associations were floated by the VHP directly, openly and under its control apart from the individuals similarly controlled by it. RSS, VHP, Bajrang Dal and the BJP supported by other members of the Sangh Parivar were not only in complete charge of the situation in 1992, especially in December 1992, but were also prevailing in governance and control of the state of Uttar Pradesh. The Shiv Sena popularly carrying the flag of Hindu religion protectors, particularly in Maharashtra, too was lending its political, moral and physical support by providing karsevaks, mobilisation and finances for the movement. Their complete and absolute control – administratively, in policing or otherwise – was pronounced and effective in case of the Ram Janambhoomi complex especially from July to December 1992.

151.2. This was corroborated by the events of July 1992, the unfurling of the flags in 1991 despite the security, the stopping of the Karseva on the asking of Ashok Singhal, the construction of the Chabutra despite the stay ordered by the Hon'ble Supreme Court, the stay of the Karsevaks in the predominantly Hindu, or the sympathetic villages around Ayodhya and other factors mentioned elsewhere in this report. The evidence on the record and the oral

testimony lead leaves not even a shred of doubt about the complete abdication of the State Government's authority and the fact that the Sangh Parivar had taken over the reins of administration, governance and the situation on the spot, in Ayodhya town and the surrounding villages, the district of Faizabad etc.

151.3. The crowds which had been assembled at Ayodhya on the 6th of December were organized into manageable groups and each group was under the control of, and subject to the discipline of a Sangh leader. The leadership at all levels had been briefed in advance about what was expected from them and were a part either of the general crowds or had been assigned a particular role.

151.4. The prognosis of video recordings, oral testimony and the documentary evidence brought on the record consistently establishes that the media personnel present in and around Ayodhya were specifically targeted and subjected to violent attacks. This Commission has been charged with the responsibility of going into these attacks and to test their veracity, and if possible, to affix responsibility for the same.

152. The presence of the media

152.1. The media was present at the site and in the vicinity in substantial numbers.

Since the event was the subject of a country wide campaign and was projected as touching upon the emotions and sensibilities of the majority of Indians, it was naturally an event that would have attracted a large turnout from the print and electronic media.

152.2. The entire event was being choreographed exclusively by the RSS and VHP along with their associates. The presence of the press was regulated by these organizations, i.e. the RSS, VHP and the BJP. The journalists coming to Ayodhya were required to get accreditation and passes allowing them access to the disputed site etc. These passes were tellingly issued by the aforementioned organisations and not by the district administration as required and expected. The district administration did not make any arrangements for the media despite knowing that they would be present in significant numbers given the significance of the events. Even the state owned media or institutions or the officers of the state departments were not shown to be present much less having recorded such a historical and internationally known event taking place.

152.3. The passes for entry into the Ram Janambhoomi - Babri Masjid complex were issued by Ram Shanker Agnihotri apparently of the VHP. He also made arrangement for the journalists, other media persons and photographers

at the roof of Manas Bhavan. Arrangements with respect to entry and exit of the press were with VHP and RSS.

152.4. It is quite clear that the identity and numbers of the media personnel present for covering the incidents was already known to the organizers. They had an accurate idea of the interest that this event was generating globally. They were conscious of the multi-coloured thoughts, philosophies and views being represented by the media persons present apart from their blinkered views on the issues.

152.5. The organizers were also well acquainted with the media's usual mandate to cover not only the events as they happen, but to inquire into the context and the circumstances and to interview the people for presenting a unified whole.

152.6. It thus stands established that the organizers of the events of December 6th 1992 at Ayodhya were fully aware of the media's presence, interest and purpose.

153. The bias against the media

153.1. The events leading up to the demolition of the disputed structure had had a long history. The media had been closely tracking and reporting upon not just the historical aspect of the dispute but also the newsworthy developments over the period of time. The leadership of the Ayodhya movement had also come into sharp focus and their speeches, statements as well as their public actions had been regularly reported and subjected to analysis.

153.2. It is impossible to attribute blanket impartiality or lack of bias to the entire media corps, of course. Given the enormous size of this corps, given the varied interests backing the individual print and the electronic media organizations, it would be quite expected for the reporting to be representative of not only all the perspectives which were prevalent at the time but also of the rumours, dysfunctional information, the various theories floating and analysis of the speeches, events, facts etc. Even the verbiage used by particular leaders used to be quoted and attributed to them. The reporting of a section of the media, notably the local and vernacular press used to present half baked information and theories.

153.3. It stands to reason and is clearly established from the evidence on the record that diverse sections of the press reported the events with one or the other values, agendas or opinions. Some journalists were naturally inclined towards one side of the dispute while the others sided with the opposing philosophy. In short, the supporter of every one school of thought could easily find some

sections of the media sympathetic and the others hostile to his way of thinking.

153.4. Given that the Rath Yatras and the temple construction movement itself had been elevated to a struggle between the rights of the Hindus versus the rights of the Muslim, it is not difficult to conceive that each set of radicals was able to zero in on a particular section of the journalists present who were perceived to be a threat to their way of thinking, or a hurdle to the achievement of their objectives.

153.5. The bias, and in some cases, the hatred against the media became clearly visible even during the course of this enquiry. Witnesses testified consistently that there were false or hurtful reports which were published in the media about them or their associates. It was widely believed and stated that the media distorted the facts and made the actual events seem diametrically opposite to reality. There was a great deal of resentment which was apparent during the course of the enquiry.

153.6. The most often repeated grievance was that some journalists had their own agenda – that they would report fictitious accounts or attribute words to particular leaders, which words had never been spoken or which had been spoken in a completely different context and with different and more benign connotations.

153.7. LK Advani stated that the entire media, newspapers national or otherwise, described the movement as a national shame, madness or barbaric. He stated “that communal violence or clashes were attributed to my Rath Yatras in

media. The fact is otherwise. Neither had I referred to Muslims during my Rath Yatra nor any clashes as consequence of it took place.” In support of his statement he referred to the observations of Dr. Koenard Elst, a Dutch-speaking Belgium from a Catholic family who observed, “Mr. Advani never caught in the act of making even a single anti-Muslim remark, the assumption that Muslims had destroyed Hindu temples in the past was underlying the whole issue, though it is fully accurate. Media talk of the revenge on the Muslims which is enemy and press has attributed to him is fictional. Mr. LK Advani exhorted the Muslims making a gesture of what Muslims fanatics had done, asking for restoration of a single one of the thousands of Temples forcibly replaced mosques. Though VHP and others asked for three, he reduced the number to one, especially when the structure was used as a Temple – as de facto Temple – by virtue of Court Injunction. Media described the Rath Yatra as bloody Rath Yatra in spite of the fact that there was not a single riot along the Yatra trail, while 600 people were killed in Hyderabad, Karnataka and U.P. in an agitation against the caste based reservation, which V.P. Singh was promoting. [...]” The author referred to an English editorial, how Advani was blamed for communal riots of which the actual non-Advani related causes were given, for example when Advani was at 500 miles distance from a riot. As with the riot in Gonda in UP or under arrest or back home after the high tide Ayodhya agitation, every riot in India in the second half of 1990 was blamed on him. The Author further states that “all religions agree to the condemning of calumny as grave evil as it carries little risk to the perpetrators but can inflict enormous damage on the targeted individual or group, not through the calumniator’s own hands but

through those of all who lend credence toward him. It is cowardly and destructive.”

153.8. Witnesses also stated that the media had played a crucial role in whipping up the imagination of the people. The widespread and admitted perception of the common man that the Rath Yatras were divine symbols etc. was also blamed on the media.

153.9. The witnesses also accused the press and the radio and television media of sensationalizing events or downplaying other events.

153.10. The media was also blamed for planting false impressions or starting fallacious rumours. Uma Bharti alleged in her statement that in July 1992, a journalist from the Rashtriya Sahara himself brought a “Tasla” and placed it on her head and clicked her photograph, giving the impression that she was doing Karseva herself. She also refused to comment on certain news items which had been published in the Hindustan Times, while stating that distortions do occur in newspaper reports sometimes.

153.11. It was officially noted in 1992 that exaggerated damage on account of the incidents was reported. It was noticed there may be rumour mongering about the incidents and the possibility of its fall out. Instruction were issued to meet the rumours in 1992, to be alert, to do patrolling, gearing up of intelligence, every small incident to be taken seriously, for taking all preventive measures including detention of anti social and communal elements and imposition of

prohibitory orders. The Home Secretary commented about the falsity of the report of the Jansatta and Jagran⁶⁴⁰.

153.12. KS Sudarshan resented before the Commission that all the newspapers reported his purported statement on 8th December 2000 in the Indian Express, that a bomb explosion has brought down the structure. The responsibility for the act was attributed to Prime Minister Narasimha Rao and his colleagues. It was said in the report that the chief of the RSS had exonerated the RSS, Bajrang Dal and VHP - they had no hand in the demolition of the disputed structure which is quite contrary to the facts which have emerged. KS Sudarshan stated that these comments attributed to him were false. He stated that in fact, these comments had been made by Nirmal Deshpande. Her statement about the possible use of an explosive to bring down the domes was extrapolated into the story that a bomb had been detonated inside the dome and was attributed to KS Sudarshan.

153.13. Be that as it may, it stands established that the media was not seen as a sympathetic force by the organizers of the events at Ayodhya.

153.14. The media was possibly perceived as a thankless force which would find some way or the other of distorting the facts and making up news or sensationalizing stories, raising the curiosity of the public and profiting commercially from it.

⁶⁴⁰ See exhibit .C.W.16/23 and notes in File No. 17.200/56/D/92.

153.15. And it is equally possible that it was feared that the media would point some inconvenient fingers at the perpetrators of the events which had been predetermined.

153.16. Even an innocent epic serial based on the Ramayana on the television was attributed a “hidden agendas” and was viewed as an intentional and malafide act to spread a Hindu wave or communalism. It was even suggested by the ideologues who appeared before me. In my opinion, this view is the height of perversity and of jaundiced eyes of the opponents of the organizers of the Ayodhya campaign.

154. Crossing the boundaries

154.1. Any attack on any person is unacceptable to the rule of law. No person, howsoever heinous his actions may be, is liable to be condemned, let alone punished *de hors* the protection afforded by the law. To condemn a person or to punish him unheard is contrary to the letter and the spirit of the law.

154.2. The media may indeed have transgressed its boundaries when it came to the highly emotive and polarizing issue of Ayodhya. It is indeed possible that the media might have contributed in no small part in fanning the flames and caused senseless violence, destruction and deaths. However, none of this can be a justification for the blatant attack on the media and the denial of the right of the people to obtain information from the mass media organizations.

154.3. Be that as it may, it may also be noticed here that some vested interests are acquiring an increasing foothold in media and media organizations. With active encouragement from these interest groups, the media is acquiring disproportionate dimensions in the garb of freedom of speech. These attempts at setting up a powerful and un rebuttable power centre puts at stake not only national security, but even the peace in society and law and order.

154.4. The only body set up in India for overseeing the media and controlling it, the Press Council of India is unfortunately a toothless body, with virtually no substantive powers, except of censure. A censure of a journalist or a publication or a channel is no more than a slight rap on the wrist and carries

little or no value. This paper remedy is incapable of reining in those elements in the media which are bent upon discrediting this institution.

154.5. Even this august body went into the question of the attack on the journalists and found it to be pre-mediated, concluded that the attacks were a part of the overall game plan.

154.6. A part of the media is reaping benefits by polarizing it, making it a subservient ally of the polity. These persons are unscrupulous in their conduct, irrespective of the interest of the nation or the individuals or the organizations. As opinion makers, they become preachers and advocates for one vision or the other, irrespective of their duties and heedless to the need for an objective approach to facts and to keep the public informed. They are blinded to the possibility of any alternative perspective, the legal principles or the rule of law. Even the Chief Minister at the time who was expected to go through the facts, history, and national expediency and to test the veracity and authenticity of the various opposing claims admittedly used the media reports as his primary source of information and even his reactions were to these same news reports.

155. The timing of the attacks

155.1. The evidence led before the Commission is unanimous that the attacks on media personnel commenced simultaneously with the assault on the disputed structure.

155.2. The attacks themselves can be divided into two categories. The first kind of attack was aimed at destroying the evidence which was being collected by the pressmen. The others were gratuitous attacks, following the demolition of the disputed structure and during the following riotous activities in and around Ayodhya, possibly as retribution for what was perceived to be slanted or biased media reporting against the Sangh Parivar.

155.3. As already discussed elsewhere in the report, the assault on the disputed structures had been precisely planned and smoothly executed. Specific roles had been demonstrably assigned to different groups, which groups were identified by their head bands or slogans etc. The assault progressed from the breakthrough through the cordons to the ascension of the domes by some individuals, to the pulling down of walls in a remarkably efficient manner.

155.4. This level of sophistication of the attack, which distinguished it from a spontaneous overflow of powerful emotions of the amassed crowds was being filmed and photographed by the media personnel. It is trite that the organizers would not have been thrilled at the prospect of the media

presenting the assault as a preplanned act, rather than as an uncontrolled public display of emotions, to the rest of the world.

155.5. In this background, the unimpeached statements of the journalists and other witnesses examined by the Commission become clear. The witnesses stated that the cameras and other equipment were snatched away from them and were smashed. It is also on the record that the miscreants took away the exposed films and destroyed them as well. The intention to prevent any independent video or audio recording of the assault is thus writ large on these attacks.

155.6. Mark Tully made a categorical assertion that “the attack on the media was deliberate and simultaneous. I do not know any other agency that was able to videograph the whole incident except the government agency”. The assailants on the media had thus succeeded in the disruption of the media’s role, just as they ensured the success in the main objective of demolishing the disputed structure.

155.7. On prognosis of the evidence, it is not possible to conclude that the plans to attack the media were within the knowledge of the icons of the movement. It is evident on a pathological examination of the events, circumstances and accepted facts with respect to the events of and after the demolition of the disputed structure that Vinay Katiyar, Paramhans Ramchander Das, Acharya Giriraj Kishore, HV Sheshadari, Uma Bharti, Acharya Dharmender Dev, Vamdev, SC Dixit, BP Singhal, Moreshwar Save, DB Roy, AK Saran, Prabhat Kumar, Kalyan Singh, VK Saxena, District Magistrate RN

Srivastava, Akhilesh Mehrotra, Sakshiji Maharaj, Champat Rai, other persons in the hierarchy of the police, administration, irrespective of whether they were present at the spot or not, were in the knowledge of the whole planning of the details worked out for the attack on the media or the demolition of the disputed structure.

155.8. I conclude that the above named persons and Chief Minister Kalyan Singh were in the know of the plan for the attack the media in order to obfuscate the evidence for identification of the assaulters. It was intended to protect the miscreants who belonged to the Sangh Parivar.

155.9. It is also clear that the administration and police was aware of the assault on the media personnel and yet did nothing to either prevent it or to end it. The beating up of the journalists, with the knowledge and within the presence of the police and the administration, combined with the fact that none of them lodged criminal proceedings against the miscreants speaks volumes about the preplanning of the assault.

155.10. The subsequent attacks on media personnel assume great significance for the same reason. The media was physically prevented from documenting the events of the day in a similar fashion.

155.11. It is also on the record that the administration and the police including the provincial armed constabulary had thrown their weight behind the Sangh Parivar and were supportive of the demolition of the disputed structures. The administrative and police support allowed the assault on the media personnel present in and around the complex and the disputed structure. They neither

took any preventive step to protect the journalists nor intervened when the assault was being carried out nor took any steps to save the media persons from the wrath of the assaulters. They turned a blind eye and permitted it to be carried out unhindered. In this backdrop, even the confinement of journalists for some period of time during the aftermath of the demolition, ostensibly for the safety of the media, can also be viewed as another step in the same direction.

155.12. Uma Bharti, Vinay Katiyar including the administration and other officers present denied knowledge about the assault on media persons on the 6th of December 1992 even though journalists like Jha, Ruchira Gupta, Praveen Jain, Ajay Kumar etc. were able to reach the Ram Katha Kunj where the leaders were present, and brought the attacks to their notice. Vivan Mehta stated he complained about assault to the leaders at Ram Katha Kunj. Otherwise too, the assault was clearly visible and within public view. My own visit to the spots made it abundantly clear that the spots pointed out to me in the complex where the assault took place were clearly visible from the Ram Katha Kunj where the entire leadership of the movement was present, apart from the site of the Shilanyas where Puja etc. was being carried out by the self proclaimed forerunners amongst the Sants and the Sadhus. The media persons were assaulted even in the complex adjacent to the police's control room, near Sita Rasoi etc. This makes it impossible to believe that the administration or the police did not know about the occurrences. The version of the leadership that they came to know about the attacks the next day or later that day cannot be believed, particularly when a German crew was

admittedly beaten up a day earlier, which was brought to the attention of the leadership and the administration on the 5th of December.

155.13. The entire leadership present at the Ram Katha Kunj, the administration, police officers other than those from the CRPF, officers present at the Sita Rasoi or at Manas Bhavan had the temerity to deny the assault on the media persons despite Ram Shankar Agnihotri – the representative of the VHP and its media section in charge having organised for the photographers, reporters and the other journalists at the spot. They were allowed to move freely uninterrupted, not only within the complex but throughout Ayodhya town and were allowed to meet anyone without any hindrance before the assault on the disputed structure commenced.

155.14. On sifting the entire evidence leading up to the assault on journalists, it stands established that a younger group of Karsevaks assaulted the media and especially the photographers simultaneously with the assault on the disputed structure. Mostly, the assault on media was carried out in and around the disputed structure or in the Ram Janam Bhoomi complex. Some of the elderly people present in the complex exhibiting compassion as an act of humanity or pity rescued or shielded the injured journalists from their assailants though they too did not try to protect their equipment or the exposed films.

155.15. Anju Gupta, the security officer attached with LK Advani stated that she tried to protect the journalists and take them to a safer place. The statement of journalists who appeared before the Commission was that they were

assaulted in the presence of the police, yet neither the police nor the officers present there nor any of the organizers or the leaders intervened to protect the journalists, despite their asking for help, which is quite plausible and thus accepted. The police personnel were mute spectators, be it to the assault on the media or the process of demolitions being carried out by the Karsevaks.

155.16. LK Advani was candid enough to admit that supposing a person was indulging in an act of vandalism, and saw the press capturing his unlawful act with a camera, and therefore they attacked the cameraman, the vandals would only be compounding their initial illegal act. He refused to comment any further.

155.17. Praveen Jain, a photojournalist with the Pioneer, stated that Karsevaks did not allow them to take pictures. He stated "I beseeched Advani for help who took no interest in our request".

155.18. KS Sudarshan accepted his presence at the Puja Sthal on the 6th of December 1992 before 2pm. He admitted his meeting with Mark Tully who brought to his knowledge the beating up of a member of a German TV crew on the 5th of December. KS Sudarshan justified the attack on the plea that biscuits were offered to the Karsevaks by a crewmember and were given in such a manner that they fell down. The German journalist allegedly tried to photograph the Karsevaks while picking up the biscuits from the ground. This resulted in provocation whereupon the Karsevaks beat him up. On the contrary, the then DGP and other witnesses including those from the police and the administration stated that the reason for attack on the media,

according to the rumours, was on account of some derogatory remarks by the western media persons against the Karsevaks. The story about the humiliation by the German crew is unbelievable and appears to be a canard spread just in order to justify the assault on the media persons.

155.19. KS Sudarshan stated that Mark Tully wanted the leadership to convey to the Karsevaks that Karsevaks should not trouble any photographers, journalist or other members of the media. KS Sudarshan told Mark Tully that the message would be conveyed to Ashok Singhal. Mark Tully stated that he had informed the District Magistrate about this incident as well and asked him to take appropriate steps so that there was no problem or trouble for the media on the 6th of December. He stated that the District Magistrate did not make any assurances but asked him to meet the Commissioner. The story about the provocation about the biscuits was never put to Tully or any other official witnesses who testified before the Commission by any counsel appearing before the commission. This version does not find any mention in the FIR recorded by police about the incident either. SP Gaur confirmed that the essence of the request made by Mark Tully was conveyed to LK Advani.

155.20. Vinay Katiyar, with his usual policy of blanket denials, rubbished allegations that he saw media persons being beaten and stated that the serious allegations of molestation made by one Ruchira Gupta were false and suggested, that in fact, she tore off her clothes herself, thereby at the very least admitting the fact that her clothes were torn off. It cannot be believed that she tore off her clothes herself or in the presence of Vinay Katiyar. Katiyar's denial even of

well established and known facts, including the attack on the media is self serving and unacceptable.

155.21. SP Gaur stated that the Karsevaks or persons attacking the disputed structure did not want to be filmed for identification later. DB Roy stated, "later trouble erupted on all sides, someone said that some journalist have been injured by the Karsevaks", yet he stated that the journalists asked for police protection only on the next day. He also stated that the ADM and the Additional SP had told him that the DIG and the District Magistrate had given shelter to the journalist on their request. He admitted the registration of complaints and FIR on the request of journalists on the 7th of December 1992. He could not deny the simultaneous attacks and it cannot be believed that although he was in command on the spot and running around, he did not witness these attacks. He, for reasons best known to him, did not even get any cases registered nor made any attempts to arrest the miscreants at any point of time right from the time of defiling of Muslim places of reverence up to the time the assault was over or even thereafter. He rendered no help to the injured or assaulted journalists. He even crossed all limits when he intentionally withheld the diary required to be maintained by him under police rules, from the Commission. It can be reasonably inferred that he either did not record the facts about the assault in his diary or that the diary could have thrown light on the true facts and on his or others' culpability in the participation in these events.

156. Gaps in the evidence

156.1. Despite the uncontroverted evidence of the attacks on the media, there was also an unfortunate reluctance on the part of the media persons to come before the Commission and to present their version and to lead evidence.

156.2. At least one journalist who had appeared before an earlier Commission of Enquiry and testified about the physical assault and molestation she was subjected to, appeared before this Commission as well.

156.3. After making her preliminary statement, she however absented herself from all further proceedings and despite repeated efforts by the Commission, did not even appear for due cross examination. Resultantly, what could have been crucial evidence, vital for arriving at conclusive findings was assailed, turned out to be inadmissible and unusable for the purposes of the Commission and had to be ignored from consideration on account of her being unavailable for further cross examination despite the fact that the technical provisions of procedure and the law, and the Evidence Act are not applicable. It was an enquiry into facts. Though I am of the prima facie view that the Commission can take notice of facts coming to his knowledge, irrespective of the source or the rendering of the same for cross examination or notices under section 8-B of the statute or persons found not responsible for it.

156.4. It ill behoves the sentinels of the right to free speech to make allegations in print or on the airwaves, but to shirk the responsibility of assisting those trying to unearth the truth and present it for posterity.

157. In conclusion

- 157.1. The events and the aftermath have been noted in this report which need not be repeated.
- 157.2. Contradictory theories like the throwing of biscuit and then photographing, or false and provocative reporting by BBC were put forth with the ingenuity of the leaders as reasons for attack on the media personnel. These were coupled with plausible and reasonable, though strictly illegal objectives of keeping the identity of miscreants veiled, or for securing the anonymity of the perpetrators of illegal acts.
- 157.3. It may be all justified in the eyes of the organizers or the Sangh leadership.
- 157.4. Even the fleeing journalists were checked to ensure that no one could escape with exposed film. The law enforcing agencies remained silent spectators even as the assault was committed in their presence. The assault was a planned act by the inner core of leaders through their trusted Karsevaks, religious leaders or the protagonists of temple movement supported by political executive, administration, bureaucracy and local administration including police.
- 157.5. In the absence of any substantial unimpeachable evidence it would be imprudent to fix the identity of particular persons or person responsible for planning or execution of any single act.

- 157.6. Preponderance of evidence in its prognosis points out all fingers for the responsibility for the overall assault on the media on Vinay Katiyar, Paramhans Ramchander Das, KS Sudarshan Acharya, Giriraj Kishore, HV Sheshadari, Uma Bharti, Acharya Dharmender Dev, Vamdev, SC Dixit, BP Singhal, Moreshwar Save, DB Roy, AK Saran, Prabhat Kumar, Kalyan Singh, VK Saxena, District Magistrate RN Srivastava, Akhilesh Mehrotra, Sakshiji Maharaj, Champat Rai, and the unidentified Swayamsevaks and their unidentified leaders.
- 157.7. Since the assault on the disputed structure and the media was carried out by karsevaks with their distinctive coloured headbands identifying them as RSS or Bajrang Dal cadres, it cannot be inferred or concluded that it was without the knowledge of KS Sudarshan being the head of RSS, physically present on the spot, having accepted on principle for deployment of the RSS Swayamsevaks for running the administration on the 6th of December and earlier; that the assault was without his explicit or implicit consent.
- 157.8. In totality from the evidence led before me, the circumstances and the ordinary course of human conduct, I would conclude that the preplanning for the assault on the media and the disputed structure was carried out by and on the directions of Vinay Katiyar, KS Sudershan, Brahm Dutt Dwivedi, Paramhans Ram Chander Das, Acharya Giriraj Kishore, Mahant Avidyanath, SC Dixit, Uma Bharti, Sadhvi Rithambhra, Champat Kumar, Ashok Singhal, BP Singhal and Kalyan Singh, the Chief Minister of Uttar Pradesh.

157.9. I cannot accept that a chief Minister with the slightest acumen of administration, with so many sources of information could not perceive the possibility of these assaults and attacks or take effective measures to prevent it or he did not have the knowledge about the planning of assault and under what eventualities the demolition was to be carried out. In view of my observations and conclusions, it cannot be believed that the acts of one hand were hidden from the other hand; that the head of the executive, intelligence, local and district police and the administration did not have any information or knowledge of the proposed and planned assaults.

157.10. It is difficult to accept that the local intelligence, police, administration, and the chief Minister could not predict or prevent these attacks and they must therefore also shoulder the blame equally.



CHAPTER 14

CONCLUSIONS

158. CONCLUSIONS

- 158.1. The RSS and other protagonists have repeatedly tried to use the term *mobilize* to characterize the aggregation of support for their Ayodhya campaign. However, this is a misnomer and one that necessitates clarification. The inertia that was built up by the rabble-rousing organs of the Sangh Parivar and inflammatory leaders was focused not on tugging at the emotional heartstrings of the common man and building a consensus for a temple at Ayodhya. Rather, the emphasis was more on shaming the thinking masses into inaction and suppressing any voices of sanity or moderation that might arise.
- 158.2. Except for the self-serving hyperbole, the Ayodhya campaign did not enjoy the willing and voluntary support of the common person, even of the average Hindu. The campaign did however succeed in silencing him and ensuring that he risked being labelled an atheist or an anti-Hindu, or unpatriotic, in case he tried to evaluate the situation logically or to counter the vituperative tirades of the champions of the campaign.
- 158.3. Therefore in that sense, though this report uses the verbiage *movement* frequently, the demand for a temple at Ayodhya never really became a public movement in the true sense of the word. While traditionally, the word *movement* has been used to denote a collective desire of the public to secure a particular result, the Ayodhya campaign never achieved proportions even

close to those levels. The use of the word *movement* notwithstanding, the Ayodhya episode was never accompanied by a public movement.

158.4. The rallies and *Yatras* were aimed at the emotionally charged common man and to make him a part of the demand for the temple at Ayodhya. These measures did not succeed until the BJP joined in.

158.5. The mobilisation required logistical support for accommodating the incoming masses in tents and other shelters, providing foods and other necessities for their boarding and lodging. Facilities had to be provided not only for the karsevaks, but also for their leaders. As observed earlier, to sustain the frenzy of the karsevaks it was necessary to make arrangements for crowds and the many impromptu rallies. It was sustained and further hyped up by the daily public meetings held at the Ram Katha Kunj since 1.12.1992.

158.6. As is evident from the evidence, in order to support the prerequisites for such a movement, the finances required were channelled from the coffers of the various Sangh Parivar organisations through various banks to accounts held in the names of various organisations and individuals to carry out the innumerable acts needed for the movement.

158.7. Apart from the inflow of the cash from unidentifiable sources, cash was also transferred and transacted through banks to the recipient organisations. The RSS, VHP, BJP and also the other members of the Sangh Parivar raised funds for conducting the movement from time to time. The recipient organisations were mostly the Ram Janam Bhoomi Nyas, Bharat Kalyan Pratishthan, Vishwa Hindu Parishad, Ram Janambhoomi Nyas Paduka Pujan

Nidhi, Shri Ram Janambhoomi Nyas Shri Ram Shila Puja, Jan Hiteshi and the accounts were operated by Onkar Bhawe, Mahant Paramhans Ramchander Das, Nritya Gopal Das, Gurjan Singh and Narad Saran, Acharya Giriraj Kishore, Vishnu Hari Dalmia, Nana Bhagwat, Jaswant Rai Gupta, BP Toshniwal, Sitaram Agarwal, Ashok Singhal, Rameshwar Dyal, Prem Nath, Champat Rai, Surya Krishan, Yashwant Bhatt, Avdesh Kumar Das Shastri etc.

158.8. In short, suffice it to say that the amounts transacted exceeded many tens of Crores of rupees which were utilised for effecting the events of December 6th, 1992.

158.9. The utilisation of such huge monies is a categorical pointer to the planning and preplanning carried out for the entire process of the movement commencing with mobilisation onwards right up till the very demolition itself. Prognosis of the evidence leads to the conclusion that the mobilisation of the karsevaks and their convergence to Ayodhya and Faizabad was neither spontaneous nor voluntary. It was well orchestrated and planned. In conformity with the army-like discipline of the organisations like the RSS, the manner in which the arrangements and mobilisation was carried out does not corroborate the theory that the convergence or the mobilisation of such a large number of karsevaks was for symbolic karseva alone.

158.10. The theory or the claim made by the leaders of the movement or the icons, from political or social organisations, does not carry conviction to conclude that the demolition was carried out by the karsevaks spontaneously out of

sheer anger or emotions. The mode of assault, the small number of karsevaks who carried out the demolition and the constraints of the space to accommodate the number of people, veiling of the identity of the karsevaks entering the domes, the removal of the idols and the cash box from under the dome and the subsequent reinstallation in the make-shift temple, construction of the makeshift temple, availability of instruments and material for demolition and for the swift construction of the make-shift temple categorically leads to the conclusion and finding that the demolition was carried out with great painstaking preparation and preplanning. The involvement of quite a number of karsevaks for carrying out the demolition ordinarily could not have been kept secret from people like the Chief Minister who admittedly has a number of sources of information; or from KS Sudershan who was heading the RSS while their *Swayamsevaks* were detailed on the spot for each and every act required to be carried out; or local leaders like Vinay Katiyar or Ashok Singhal or the persons present at the spot prior to December 6th, 1992.

159. *The sequence of events leading to, and all the facts and circumstances relating to, the occurrence in the Ram Janambhoomi Babri Masjid Complex at Ayodhya on 6th December, 1992 involving the destruction of the Ram Janambhoomi Babri Masjid structure;*
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- 159.1. The factual matrix and the contextual elements leading up to the demolition of the Three-Domed disputed structure in Ayodhya has been painstakingly laid out in this report. The voluminous evidence tendered before the Commission as well as the statements of the large number of witnesses has been finely distilled and after winnowing the chaff from the grain, the entire timeline, shorn of the obfuscating embroidery by loquacious persons, has been laid bare for posterity.
- 159.2. The factual matrix presented in the preceding chapters is supported by strong, undeniable and documentary evidence for the most part.
- 159.3. The single-minded agenda of the RSS and the VHP; and the extremely patient and focused manner in which the handful of ideologues and theologians manipulated the common masses and turned them into a frenzied mob, capable of acts of the greatest depravity agenda, is unparalleled in recent times.
- 159.4. It is established that the events of and leading up to the 6th of December in the birthplace of the virtuous Lord Ram considered an incarnation of God and the ideal king, were tainted by a joint conspiratorial enterprise. A

handful of malevolent leaders unabashedly invoked the name of the paragon of tolerance to turn peaceful communities into intolerant hordes.

159.5. The factual matrix also yields indisputable evidence that lured by the prospect of power or wealth, a rank of leaders emerged within the BJP, RSS, VHP, Shiv Sena, Bajrang Dal etc. who were neither guided by any ideology nor imbued with any dogma nor restrained by any moral trepidation. These leaders saw the “Ayodhya Issue” as their road to success and sped down this highway mindless of the casualties they scattered about. These leaders were the executioners wielding the sword handed to them by the ideologues.

159.6. The hands that tore down the disputed structure and shredded the very fabric of society belonged to the common man. He had no reason to fear or hate the masonry structure or the neighbour with whom he and his family had lived in peace till the moment that his better sense was drowned in the cacophony of religious righteousness and the zealot’s rhetoric. Mobs, by their very nature, are incapable of discerning right from wrong. The remorse which is their constant shadow for the remainder of their mortal lives is their highest punishment.

159.7. I discharge my obligation to answer this first question by referring to the vast body of information which has been aggregated in this report. No part of it is so trivial, nor so remarkable that it can be abstracted from the whole and reproduced here. The events have been chronicled with as much authenticity as possible and I leave history to adjudge the results.

160. *The role played by the Chief Minister, Members of the Council of Ministers, officials of the Government of Uttar Pradesh and by the individuals, concerned organizations and agencies in or in connection with the destruction of the Ram Janambhoomi-Babri Masjid structure;*
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- 160.1. The destruction of the Ram Janambhoomi – Babri Masjid structure was carried out in a duplicitous and underhanded manner. It was an act not worthy of a democratically elected government of a constituent state of this great nation.
- 160.2. The government and administration of a state is the repository of the trust, hopes, aspirations and faith of the people. Whether a government is elected into office with a thumping majority or otherwise, it represents not just those who voted it into power, or even those who are enfranchised but also those who do not, or are not able to participate in the polls or were opposed to them or those who hold a contrary or different view.
- 160.3. A government which remains faithful to its mandate need not adopt any underhanded or dishonourable methods for any purpose. As the nominee of the people, its actions carry the people's sanction and are beyond reproof. But when a government has to adopt base methods to mask and conceal its intent, it is obvious that the actions of the government are without sanction of law and without the sanction of the people.

160.4. The BJP's claim that it was carrying out the people's mandate makes it inexplicable why it had to resort to subterfuge in order to effect the destruction of the disputed structure. The very fact that the Chief Minister of the state of Uttar Pradesh, its ministers and its mandarins supported the destruction with tacit, open, active and material support at every step, but did not make it part of the officially stated agenda lends overwhelming credence to the fact that they were aware of the gross illegality and impropriety they were guilty of. It would be reasonable to conclude that they were conscious of their acts and conduct ensuring the achievement of their concealed intent to demolish the disputed structure.

160.5. Kalyan Singh, his ministers and his handpicked bureaucrats created man-made and cataclysmic circumstances which could result in no consequences other than the demolition of the disputed structure and broadened the cleavage between the two religious communities resulting in massacres all over the country. They denuded the state of every legal, moral and statutory restraint and wilfully enabled and facilitated the wanton destruction and the ensuing anarchy.

160.6. While dealing with the role of the administration in detail in my report, I have dilated on the role of specific members of the *de jure* and the *de facto* government of Uttar Pradesh at the time. The parallel government run by the RSS has also been exposed and analysed in my report. There is no manner of doubt admissible in the culpability and responsibility of the Chief Minister, his ministers and his cohorts who were handpicked to occupy selected posts. Paramhans Ramchander Das, Ashok Singhal, Vinay Katiyar,

Vishnu Hari Dalmia, Vamdev, KS Sudarshan, HV Sheshadari, Lalji Tandon, Kalraj Mishra, Govindacharya and others named in my report formed this complete cartel lead by Kalyan Singh and supported by the icons of the movement like LK Advani, MM Joshi, AB Vajpayee.

160.7. Chief Minister Kalyan Singh stood on guard against the possibility of any pre-emptive or preventive action by the Central Government or the Supreme Court of India or the other courts or any other institution. He and his trusted lieutenants spared no lie before the highest authorities of the land to befool them and to tie their hands with the niceties of our constitutional democracy.

160.8. There were few who resisted the betrayal of democracy; those who did were swiftly removed, sidelined and rendered toothless. The police, the district magistracy, the local administration and the state machinery was covetousness personified. Their personal desires and their single-minded pursuit of personal gain cast dark shadows on their very training, professional ethos and their responsibilities. It prevented them from ensuring the majesty of law. The police and the administration were openly supporting the RSS and its agenda. The coercive forces of law were used only against those who opposed the *de facto* parallel government and not against those who were violating the Indian constitution and ethos.

160.9. The Central Government was crippled by the failure of the intelligence agencies to provide an analysis of the situation. It stayed its hand deferring to the Hon'ble Supreme Court which had taken up the matter and was dealing with it by giving appropriate directions. The Supreme Court was in turn

misled by the pretentious undertakings given to it by the UP government and the leadership of the movement and the all-is-well reports by its *rapporteur* Tej Shanker. Without the proverbial leg to stand on, there was little either could have done to forestall the determination of the perverted guardians of democracy, who were in control in Uttar Pradesh.

160.10. The RSS, Shiv Sena, Bajrang Dal, BJP etc. and their *inter se* relationship have been subjected to a detailed study in my report and their relationship with the *de jure* powers. These organizations are collectively an immense and awesome entity with a shrewd brain, a wide encompassing sweep and the crushing strength of a mob. The leadership provided by the RSS, BJP, VHP and the other mutating and constantly transforming organizations like the Hindu Mahasabha and the Jan Sangh, in furtherance of the suspect theories of the founders of these organizations was consistent and unabashed. The ends are all that matter to the core group of thinkers and the destruction of the disputed structure was only one victorious battle in their ongoing campaign against secularism and the multicultural society, clothed in the garb of religion, regions, reservations, castes etc.

160.11. In my report I have, to the best of my ability and knowledge, dealt at length with the wily schemes to undermine secularism by articulating its meaning. The RSS, BJP and VHP core have turned the tables – they have redefined *secularism* and turned the definition on its head to mean the exact opposite of what it has always been held to be and understood all over the world. Their version of *Secularism* is neither benign nor tolerant of the ideals enshrined in our Constitution.

160.12. Their infiltration of the Government and of the administration of the state of Uttar Pradesh was complete. Its traces and remnants are still thriving all over the country and still pose as grave a threat as ever. It had and continues to spread in scope to encompass every pillar of the constitutional system.

160.13. I must therefore answer this question posed by the Parliament emphatically by pointing the finger at the Chief Minister; Members of the Council of Ministers; the officials of the Government of Uttar Pradesh who systematically eliminated all impediments; and at the RSS and the BJP and their allies which filled the void with malevolence.

161. *The deficiencies in the security measures and other arrangements as prescribed or operated in practice by the Government of Uttar Pradesh which might have contributed to the events that took place in the Ram Janambhoomi-Babri Masjid Complex, Ayodhya town and Faizabad on 6th December, 1992;*

161.1. The security apparatus in the state of Uttar Pradesh was theoretically or on paper capable of handling any and all threats resulting from the emotional, political, communal and religious fervour which had gripped the state and the twin cities of Ayodhya and Faizabad.

161.2. The theoretical capability was however shackled, hobbled and rendered nugatory by a systemic program of scaling down the security measures which would be deemed insufficient even in normal circumstances to regulate even a peaceful crowd much less deal with unexpected exigencies, natural or otherwise, let alone in the extraordinary conditions which had been deliberately built up and precipitated leading up to the 6th of December 1992.

161.3. The Chief Minister, as the *de facto* and *de jure* head of the state had unbridled powers to effect or dismantle the law and order infrastructure. These powers vested in the Chief Minister by the statute and by conventions were capable of being moderated or checked only by a vigilant and honest civil and police service or the judiciary.

161.4. The Chief Minister Kalyan Singh on assuming office embarked on a focused mission to replace the administrative and police officers who were inclined to

resist a change in the status quo or who demonstrated the slightest hesitation in conniving, supporting or collaborating with the new *de facto* leadership which was gradually taking control in Ayodhya and Faizabad. In my report I have quoted instances of senior officers peremptorily being posted to other parts of the state and pliant officers being nominated to fill their positions.

161.5. These postings and transfers had the singular intent, purpose and effect of smoothening the ride for the demolition which the RSS and BJP had made a part of their election campaign. This was the plank on which they had managed to secure the Chief Ministership for Kalyan Singh and this was the test case which the resurgent RSS, BJP and VHP wanted to make a success of. Similar electoral promises were used to wrest power in some other states as well.

161.6. The second step after ensuring the presence of a benign police and administrative setup was to ensure that the hands that wielded the batons and carried the guns were friendly to the karsevaks and did not pose any potential threat to the karseva. This gratuitous dismantling was secured by posting raw untested personnel or trainees and sympathetic provincial armed constabulary in the twin towns. The sympathy of these men who were constantly exposed to the religious fervour and harangues of the eloquent RSS and VHP preachers were with the crowds and they would probably not have acted even if they could. They had been turned into uniformed karsevaks rather than protectors.

- 161.7. The hands of these troops were already tied by the Chief Minister's unequivocal orders to the rank and file that they were to desist from the use of force or resort to firing in any circumstance against the karsevaks or their leaders. The well documented orders prohibiting the use of firearms or force against the karsevaks and the organisers were also allowed to be interpreted as a forbearance of use even of less deadly methods such as tear gas or the plain old *lathis*. Instead of using the riot shields to oppose the violent karsevaks, they were actually handed over willingly to them by the police personnel and used or misused by them.
- 161.8. When push came to shove, the senior police officers were at hand to ensure that their men toed the line and that the demolition of the disputed structure was allowed to go ahead with military precision as orchestrated by the leaders present at the spot and carried out by their henchmen whom they refused to identify even before me.
- 161.9. The physical security had already been downgraded to desultory levels. The levelling of the surrounding topography made it easy for the people to congregate and rush the disputed structure. The earth that had been excavated had been dumped around the perimeter wall and the *Ram Dewar* and acted as convenient ramps for scaling these meagre barriers. The electronic measures including closed circuit televisions, metal detectors etc. were intentionally rendered inoperative and ineffective by the administration to ensure anonymity of the miscreants and easy access to the disputed structure.

161.10. Even with the vast resources of the most populous state of the country, the State Government did not arrange even for a single video camera to record the events which were unfolding, for posterity. The grand scale at which the arrangements had been made, with the active participation of the state machinery, could not have escaped the attention of any functionary of the state or blinded them to the necessity of keeping a close record of the events, which the organizers had promised would be monumental. Even the closed circuit television cameras, which the State Government had promised the Central Government would be monitoring every inch of the disputed structure, were either inoperative or their footage has been hidden away from the eyes of the public and this commission. In either case, the results are a betrayal of the nation and of history.

161.11. By far, the worst sin of omission of the State Government was leaking into the public domain the information that the police personnel had been hobbled and would not react or retaliate under any circumstances. Emboldened by the self-confessed handicap of the law enforcement agencies of the state, the karsevaks were not constrained by any concerns of self-preservation or personal safety and enjoyed a free hand. All the categories of karsevaks – whether they were present because of political, monetary or religious considerations – were aware that they were at zero risk from the state's agencies.

161.12. The only non-manageable variable, from the Sangh Parivar's point of view – was the possible deployment of central forces in the state, either at the behest of the Central Government or sanctioned by the Supreme Court. This threat

was also neutralized by senior and well respected individuals stating blatant lies on oath before the Supreme Court, apart from protesting against even the stationing of central paramilitary forces sent for the specific purpose of providing sufficient numbers of forces to be deployed by the state for the security of the disputed structure.

161.13. Even the forces earlier demanded by the state government, and sent by central government, for security purposes were intentionally taken away from the scene and deployed at faraway places under the garb of meeting the threat of terrorism.

161.14. The role of the Supreme Court's observer in not alerting the Court to the clearly unfolding duplicity is also something that raises concerns about the impartiality and objectivity of the officer who was handpicked by the High Court of Uttar Pradesh. Even at the moment that the domes were being pulled down, he was not at the spot, having been delayed by his family members whom he had brought along to witness the spectacle.

161.15. To sum up, December 6th 1992 saw a state of Uttar Pradesh unwilling and unable to uphold the majesty of the law. The ennui flowed from the very office of the Chief Minister downwards and infected the state's minions down till the bottom. The state had become a willing ally and co-conspirator in the *joint common enterprise* to announce the revival of a rabid breed of Hindutva, by demolishing the structure they had denounced as a symbol of Islam.

162. *The sequence of events leading to, and all the facts and circumstances relating to, the assault on media persons at Ayodhya on 6th December, 1992;*

- 162.1. A democratic nation needs a press at all times. The presence of the media is an inherent requirement for ensuring a government of, by and for the people. It is the independent press which ensures that all actions of the government take place within full public gaze.
- 162.2. There is no requirement that the media must be unbiased or independent or that it must not take sides. On the contrary, a successful democracy requires that the media must be of all hues and colours and that each interest group is able to project and portray its point of view through those outlets which are sympathetic to it.
- 162.3. The media ought not to be constrained to a single “party line” or conform to a uniform way of thought. It is the very presence of diverse views which ensure that the people are able to make informed choices in the first place.
- 162.4. Needless to say, the freedom to expound on a particular set of beliefs necessarily includes a responsibility not to offend or to transgress boundaries of legality, morality and conscious. But within these boundaries of common good, the media cannot be, and ought not to be restrained.
- 162.5. Being able to tolerate an opposing point of view and countering it with logic, reasoning and words is what is required of a matured polity. The story of and

about the media in 1992 in India is a study in what needs to be avoided at all costs by a mature nation.

162.6. The reporting of events in 1992 was possibly not as tactful and mature as it could have been. In reporting, some sections of the media overshot the restraints of common place prudence and were perceived as inimical to one or the other sides to the artificial dispute which had taken the country's polity by storm. The close patronage of certain newspapers, journals and electronic media by one or the other interest groups tended to expose them to allegations of malice and bias against the others.

162.7. The authors of the entire campaign were under no illusions about the illegality and immorality of their intended actions. They were aware about the likely outrage their deeds were likely to elicit around the nation and internationally, even from sections of the Hindu community. They were alert to the possibility of the top leadership of the BJP, RSS, VHP, Shiv Sena etc. being subjected to censure on the basis of any hard evidence which might be forthcoming.

162.8. To frustrate the attempts of future investigations, including efforts by Commissions like this one, the leadership at the spot had evolved a common strategy to deny the world an accurate record of the unfolding events.

162.9. The first step in this direction was to ascertain the identity of the journalists who were present at the spot. The accreditation of the media was entrusted to their own cadres who were thereby able to create and maintain accurate records of the media presence. The identities of the press corps, the various

organizations, the specific locations etc. were obtained during the accreditation process.

162.10. The media was allowed ingress into the twin cities and into Ram Janambhoomi Complex and the disputed site under the watchful glare of the karsevaks and their leaders. Dramatic situations were precipitated to paint the foreign and domestic media with hostile colours and the stage was set to instigate the mobs of karsevaks against them.

162.11. As soon as the pre-programmed assault on the structure commenced, the journalists were subjected to systematic harassment and they were not only prevented from carrying on their duties as chroniclers of the events, but were also instilled with a real fear for their own safety. The reporters were confined to small rooms or molested or otherwise threatened so that their attention was less on the events they were supposed to cover, and more on their very survival.

162.12. The memories and notes of the reporters could be – and were – denied later on. But photographs and video recordings could have proven damning for the leadership. Photojournalists therefore became recipients of especially violent treatment at the hands of the karsevaks. They were physically prevented from taking photographs or videotaping the demolition; their equipment was smashed and their exposed films were ripped open and ruined. Precious few photographs or recordings of the incidents thus managed to surface.

162.13. The protestations of the state administration are patently hollow and have been critically analysed in this report. Specific incidents, statements and evidence have been referred to and presented to expose the falsity and duplicity of the State Government.

162.14. The media was polarised around the time, which is a natural occurrence in any civilized society. The answer to a biased story is to be found by controverting it in the same or another paper. The vitriolic pen must only be repelled by another pen.

162.15. Some small sections of the media were possibly guilty of incitement or malicious reporting. But that cannot ever constitute valid grounds for the strangulation of the media as was done in Uttar Pradesh in 1992.

162.16. The government of Uttar Pradesh was guilty and it had abdicated its responsibility to the media just as they had abdicated governance and forsaken the very rule of law. By their sins of omission as well as commission, they incited, facilitated and organised the assault on the free press.

162.17. The media was consciously targeted by the karsevaks on the directions of their leaders. It was a preplanned enterprise and closely coordinated by those who ensured the demolition of the structures that Mir Baqi allegedly erected.

162.18. The leadership tried to criminally intimidate, assault and obstruct the media personnel. There can be no justification for the criminality of the actions of the leaders and participants of the temple construction movement. The attack on the media is in itself an admission by the perpetrators of the events of December 6th 1992 that they were aware of the illegality of their acts.

163. *Any other matter related to the subject of inquiry.*

163.1. The residual question within the scope of this enquiry is capable of encompassing innumerable matters which came to my attention during the course of my efforts and which cannot be encapsulated even in this long drawn enquiry given limited human capacities. I must not however transgress judicial propriety by taking on some of the issues, even though they have a significant bearing on the subject matter of my report.

163.2. For instance, the intransigent stance of the High Court of Uttar Pradesh, the obdurate attitude of the Governor, the inexplicable irresponsibility of the Supreme Court's observer and the short-sightedness of the Supreme Court itself are fascinating and complex stories, the depths of which I must not plumb.

163.3. Historians, journalists and jurists may – and should – explore these dimensions and tell these untold stories for the benefit of the current and unborn generations. But these cannot unfortunately be dwelt upon in this report although I have neither suppressed nor minced words about these at the appropriate places and in appropriate contexts in my report.

164. The standards of culpability

164.1. For the purpose of quantifying the culpability, the various persons and organizations named in this report at various places have been divided into three groups.

164.2. The first group represents those who bear the primary and the greatest responsibility for the events of December 6th 1992. They are responsible for the events which built up to that climax. These people had complete knowledge of the events as they were scripted. These individuals and organizations were a part of the decision making process or were instrumental in the assault on the disputed structures and the other associated incidents within the purview of this enquiry. Those found guilty of primary responsibility had the means to prevent the assaults; they were the active leaders of the cadres and without their participation, none of the events of, and leading up to, December 6th 1992 would have occurred.

164.3. The second group consists of those who bear physical, ideological and intellectual responsibility. These persons and organizations were not decision makers and could not change the course charted by those bearing primary responsibility. Nevertheless, without their sins of commission or omission, the situation would not have deteriorated as much as it did. These include those who portrayed the benign face of the Ayodhya campaign and gave false reassurances to the courts, the people and the nation as a whole.

- 164.4. Those who have been put in the second category in these conclusions are referred to as “pseudo-moderates” in contrast to the radicals forming part of the first group. This is not to suggest that their objectives do or do not differ from the radicals’. The term is used indicative of the modes that these people adopted, rather than the ends they may have been trying to achieve.
- 164.5. It may be probable that the pseudo-moderate elements while being committed to the erection of a Ram Temple, were interested for political expediency in exploring the possibility of its coexistence with the disputed structure, at least for the time being. The other distinction between the radicals and the pseudo-moderates is also that the latter had the construction of the temple on its primary agenda while the former were more fanatical about the demolition of what they called a national shame.
- 164.6. There are also those who bear tertiary responsibility for the situation. These people may or may not have been associated with the Sangh Parivar or had any influence over the situation at all. However, it was their sworn and statutory duty to prevent exactly the kind of events which took place around the 6th of December 1992. They were either required by their statutory duties as officers of the state, or as responsible leaders of the people to prevent or at the very least to register vociferous protests, in which they failed. Their complicity stems from their sins of omission rather than of commission.
- 164.7. Between these three classes of actors, lies the entire spectrum of those responsible for the events at Ayodhya. This painstaking and time consuming enquiry has made it painfully clear that but for these three concentric groups,

Ayodhya was a non-issue and would not have occupied any amount of time of even a religious minded citizen of India.

- 164.8. However, the core group of the primary accused, cloaked and shielded by those in the secondary group, and with the inaction and cluelessness of the tertiary group, managed to reduce one of the greatest nations, and one of the oldest civilizations to a state of stark intolerance and barbarianism – all for petty political gains.

165. The Sangh Parivar

165.1. The blame or the credit for the entire temple construction movement at Ayodhya must necessarily be attributed to the Sangh Parivar. As already discussed elsewhere in this report, the Sangh Parivar is an extensive and widespread organic body which encompasses organisations which address and assimilate just about every type of social, professional or other demographic grouping of individuals.

165.2. The Parivar is a highly successful and corporatized model of a political party and as the Ayodhya campaign demonstrates, has developed a highly efficient organizational structure. Each time a new demographic group has emerged, the Sangh Parivar has hived off some of its RSS inner-core leadership to harness that group and bring it within the fold, enhancing the voter base of the Parivar.

165.3. While the structure or the methods of the Sangh Parivar for aggregating a substantial public base may neither be illegal nor strictly objectionable, the use of this gargantuan whole for the purpose of the Ayodhya campaign was clearly against the letter and spirit of Indian law and ethos.

165.4. The Sangh Parivar had spent long years and mobilized its immense media clout to numb the sensibilities of the masses, and at the very least to ensure the complete absence of resistance to its designs. The attempts by the

pseudo-moderate elements even within the Parivar were predictably of little significance and were destined to fail, whether by design or otherwise.

- 165.5. As the inner core of the Parivar, the top leadership of the RSS, VHP, Shiv Sena, Bajrang Dal and the BJP bear primary responsibility.

166. The *pseudo-moderate* elements within the Parivar

- 166.1. The conundrum which faced the Commission during its long hearings and extensive fact finding efforts was to reconcile the stance of the public face of the Sangh Parivar with the actions which defied law, morality and political ethics.
- 166.2. On one hand, the leaders like AB Vajpayee, Murli Manohar Joshi and LK Advani, who are the undeniable public face and leaders of the BJP and thus of the Parivar, constantly protested their innocence and denounced the events of December 1992. Appearing as a witness before the Commission, Advani sought to reiterate his anguish at the demolition of the disputed structure and was at pains to state that he had never made any inflammatory statement, even during his *Rath Yatras*.
- 166.3. On the other hand it stands established beyond doubt that the events of the day were neither spontaneous nor unplanned nor an unforeseen overflowing of the people's emotions, nor the result of a foreign conspiracy as some overly imaginative people have tried to suggest.
- 166.4. In such a case, the logical questions that beg to be answered are whether the pseudo-moderates knew what was going on, whether they were in fact the prime movers of the show, whether they were in control of the Parivar and finally, could they have done anything to prevent the demolition and subsequent violence?

- 166.5. The Commission, having had the benefit of tens of thousands of pages worth of press reports, books, official records and documentation and having analysed many hours of audio and video recordings and having observed the witnesses, is unable to hold even these pseudo-moderates innocent of any wrongdoings.
- 166.6. It cannot be assumed even for a moment that LK Advani, AB Vajpayee or MM Joshi did not know the designs of the *Sangh Parivar*. Even though these leaders were deemed and used by the Parivar as the publicly acceptable faces and the articulated voices of the Parivar and thus used to reassure the cautious masses, they were party to the decisions which had been taken.
- 166.7. These people, who may be called *pseudo-moderates* could not have defied the mandate of the Sangh Parivar, and more specifically the diktat of the RSS, without having bowed out of public life as leaders of the BJP. They were not in control of the RSS and had absolutely no influence over the direction that they had been told to follow. The pseudo-moderate leadership of the BJP was as much a tool in the hands of the RSS as any other organization or entity and these leaders stood to inherit the political successes engineered by the RSS.
- 166.8. The BJP was and remains an appendage of the RSS which had the purpose only of providing an acceptable veneer to the less popular decisions and a façade for the brash members of the Sangh Parivar. The much repeated and much denied remarks attributed to Govindacharya who called Vajpayee a *Mukhota* or a mask may be more appropriately applied to the BJP's top

leadership at the time collectively. Without leaders like Joshi, Advani and Vajpayee, the RSS might have been able to achieve *de facto* clout, but would not have been able to legitimize its hold on the Indian system by translating that clout into political success.

166.9. The BJP was therefore an essential ingredient in the *Pariwar* smorgasbord and essential to capture *de jure* power and authority, in furtherance of its goals of establishing the *Hindu Rashtra*.

166.10. Be that as it may, the evidence that has been led before the Commission does not show that the pseudo-moderates were in charge of the situation, much less capable of changing the course that the campaign was taking. It stands proved that the pseudo-moderates were charged with the task of projecting the RSS's decisions in the best possible light and to translate them into terms which would be acceptable to the general masses. The role of the BJP pseudo-moderates thereafter came to an end, and beyond acting as translators, could do little more.

166.11. These leaders cannot however be given the benefit of the doubt and exonerated of culpability. The defence of "superior orders" has historically never been available, and least of all to those whom the people have trusted and voted into power.

166.12. These leaders have violated the trust of the people and have allowed their actions to be dictated not by the voters but by a small group of individuals who have used them to implement agendas unsanctioned by the will of the common person. There can be no greater betrayal or crime in a democracy

and this Commission has no hesitation in condemning these *pseudo-moderates* for their sins of omission.

167. The Muslim Organizations

167.1. Selective communal Muslim leaders, obsessed with building personal or individual influence or following for enhancing their political influence and for self gain, were merely bystanders during this entire period and put forth dismal performance. While the RSS, VHP, Shiv Sena, Bajrang Dal and the BJP brought the temple construction movement to the front burner and caused it to boil over, the fanatic Muslim leadership making the counterclaim were either completely complacent and had no substantial or effective leadership or were simply incompetent in projecting their own lopsided counter view to the people throughout the half century leading up to the 6th of December 1992. Their feeble attempts after 1983 to present a blinkered view of history were without researched substance and therefore possibly incapable of being believed.

167.2. The BMAC and later the AIBMAC never set up or presented any claim to the disputed structure in any negotiation with the intervention of any person or at any time and their stand was a merely simplicitor denial of the claims of the Sangh Parivar which too underwent changes and shifts and articulation with the passage of time. The Muslim and Hindu leadership's shrill cries echoed the divisive and mischievous sentiments which had been heard around 1947, and which continue to cast a dark shadow on the age old ethos of this great land.

- 167.3. The Muslim leadership did little to counter the latent fears stoked up by the RSS and VHP leadership and instead provided it with the opportunity to embark on what started out as a defensive strategy. Unfortunately a sizable number of Indians still feel that the Muslims of India should be treated as a deprived class despite the centuries long Mughal – Muslim rule in India.
- 167.4. The Muslim leadership provided the rabid Hindu ideologues sufficient cause to instil fear into the common citizen of India. Whether the political Muslim leadership represented the views of the average Muslim citizen of India is highly doubtful. The elite political Muslim leadership constituted a class by itself and was neither responsible to, nor caring for the welfare of those they purported to champion.
- 167.5. Those who were pretending, and to this day, those who pretend to speak for those who are the downtrodden, only highlight the differences between the people and prevent the integration of the people within the mainstream of the country. In any case, it is inexplicable why the people belonging to the same community which effectively ruled the country for centuries not too long ago should not endeavour, struggle, compete, thrive and succeed in all segments of national life like every other citizen of India, and without having to rely on their religious difference to seek special privileges.
- 167.6. It is impossible to fight a war or to recruit warriors without the presence of an adversary. The presence of the enemy is the prerequisite for unrest and discord. The Muslim leadership wittingly or unwittingly fulfilled this requirement for the founders of the RSS and the VHP.

- 167.7. The Muslim leadership failed the community and its electorate not only in being unable to put forth a logical, cohesive and consistent point of view, within and outside the courtroom, but also failed to protect the life and property of the innocent masses who got caught up in the *post facto* riots. The Muslim leadership was conspicuous by its absence from the national debates and its failure to protest effectively against the events which were building up to a crescendo.
- 167.8. In a parliamentary democracy, there is undoubtedly sufficient space for an effective opposition to function, without being labelled unpatriotic or without having to be defensive. However, possibly for fear of being labelled anti-Indian or antinational, the Muslim leadership did precious little to counter the distortions of history that were being bandied about by the Sangh Parivar to whip up the country into a frenzy. The Muslim leadership including the AIBMAC also failed to highlight the extremely high handed and extra-legal methods adopted half a century ago to install the idols in the disputed structure or to open the locks on the gates.
- 167.9. The failure of the Muslim leadership could not by itself, be responsible for the events of December 1992, but the sins of omission of the Muslim leadership certainly made the Sangh Parivar's task much easier.
- 167.10. This Commission holds these organizations and individuals guilty at a tertiary level, for their failure to effectively champion the cause of their constituents, and of the neutrals, and for their failure as an effective democratic opposition.

168. The civil servants and police officers of Uttar Pradesh

- 168.1. The civil service founded by Lord Cornwallis was meant to provide continuity in governance. Speaking at the inauguration of the Indian Institute of Public Administration at Delhi in 1954, Jawaharlal Nehru offered these words of advice to the civil servants *“Administration is meant to achieve something and not to exist in some kind of an ivory tower following certain rules of procedure and Narcissus-like looking on itself with complete satisfaction. The test after all, is the human being and their welfare.”*
- 168.2. The decay and erosion in the values of the civil service were all too apparent in Uttar Pradesh in the years leading up to 1992. The civil service in the state failed in its primary responsibility to provide good governance and actively abetted the demolition of every democratic safeguard provided in the constitution. I have no hesitation in holding that they became a part and parcel of the political parties governing at a particular point of time and actively participated in achieving the election manifesto and perpetuating the reign of the political party in power, even at the cost of their colleagues. They attempted and succeeded in achieving this objective and reaped the benefit of plum post-retirement offices and even gubernatorial appointments.
- 168.3. With utter disregard for the very ideals with which the services were established, the administrative and the police officers had become as polarised and as power conscious as the politicians. The successive elections determine not just the fate of the politicians, but also the fate of these policemen and

civil servants. Those who position themselves closer to one party or the other actively start seeking greener pastures elsewhere the moment their mentors lose power.

168.4. The civil service which was meant to act as the continual font of governance and welfare of the people has itself become caught up in the political wrangling against which they were intended to insulate the common man. The police who was supposed to protect and preserve the life and property of the common man was similarly negligent of its sworn duties.

168.5. The police and civil servants in Uttar Pradesh were the product of the degradation in the civil services which has become even more pronounced in recent times. The administrative officers, the police and selective sections of the bureaucracy was a part and parcel of the cartel of the BJP Chief Minister and willingly helped it achieve its election manifesto, propagate the caste and communal oriented politics and in his attempt to perpetuate the rule of the political party in power. They failed to discharge their solemn duties as a counterbalance to the political executive in the administration. They could have at least attempted to stem the tide of communalism and the rape of democracy. But they chose to remain deaf, dumb and blind throughout and instead became a willing part of the cartel.

168.6. The police and the bureaucrats of the state not just turned a blind eye to the misadventures of the polity but actively connived and curried favour with the Chief Minister and the Sangh Parivar by systematically paralyzing the state

machinery. Their sins are highlighted by their being rewarded with plum postings after the demolition as well as tickets for contesting elections.

168.7. It is an open secret that unprecedented mass transfers were carried out by Kalyan Singh on taking office of the Chief Minister. Those police officers and civil servants who could have stopped the pillage of democracy had already been transferred out by the BJP government when it came to power in the state on a large scale, even against the advice of the heads of departments. Replacement officers were posted on the advice of the local leadership or political leadership because of their pliability. Those who were in charge of the state executive thereafter aided and abetted the dismantling of the security apparatus.

168.8. The police and the administrators were the executors of the designs of the RSS, VHP, BJP, Bajrang Dal, Shiv Sena etc.

169. The government, Chief Minister and the cabinet of Uttar Pradesh

- 169.1. Immediately after entering into office, the government of Uttar Pradesh headed by Kalyan Singh embarked on the pogrom leading up to the events of December 6th 1992.
- 169.2. The Kalyan Singh government systematically and in a preplanned manner removed inconvenient bureaucrats from positions of power, dismantled and diluted the security apparatus and infrastructure, lied consistently to the High Court and the Supreme Court of India and to the people of India to evade constitutional governance and thus betrayed the confidence of the electorate.
- 169.3. Even at the height of the crisis in December 1992, Kalyan Singh maintained a studied silence and refused to allow even a single measure which might impede the Ayodhya campaign or prevent the assault on the disputed structures, the journalists or the innocent public.
- 169.4. The Chief Minister and his cabinet disarmed the security forces, neutralized the defensive barricades around the site, embargoed the use of any meaningful force even against the highly unruly mobs which had gathered and subverted every possible measure which could have saved the day.
- 169.5. Before, during and even after the demolition of the disputed structure had been accomplished, Kalyan Singh and his henchmen proudly owned up to and proclaimed the demolition to be their great success. Even in his post demolition speeches, Kalyan Singh claimed all credit for the demolition and

in fact sought to glorify their role by equating themselves with the heroes of the 1857 first war of independence. In the aftermath of the demolition when the possibility of an enquiry or prosecution was still not a certainty, these leaders did not mince words in claiming all credit. They claimed to be martyrs in the great cause of Lord Ram.

- 169.6. The Chief Minister of Uttar Pradesh and his cabinet members consciously allowed the writ of the extra constitutional authority, i.e. the RSS to run in the state. All the steps taken by the state or the Sangh Parivar, BJP, VHP, Bajrang Dal, Shiv Sena or the Dharam Sansad, Kendriya Marg Darshak Mandal had the implied consent of the RSS or those RSS members who had been “lent” to the BJP. Rather, it was the Swayamsevaks of RSS who carried out the programs or execution at the spot. The Chief Minister and his cabinet were the proverbial insiders who caused the collapse of the entire system. Kalyan Singh resisted every attempt at persuading him to act in a responsible manner and to notice the ground realities. Even when it was brought to his notice that the disputed structure had been demolished and mobs were attacking the Muslim populace of Ayodhya, he did not direct the police to use force or resort to firing to chase away the miscreants or to save the lives of those wretched innocents whose only crime was that they lived in the twin city area and belonged to the Muslim community. The wanton violence against human life and property continued unabated and even at that late stage, the Chief Minister did not use the central forces which could have been swiftly deployed.

169.7. Without the BJP's Chief Minister Kalyan Singh and his cabinet colleagues or the icons of the movement or of the BJP, the Ayodhya campaign could not have succeeded at all. A similar situation in the past had been handled by an earlier chief minister denying the miscreants the opportunity to wreak the havoc as they later did in 1992.

169.8. Kalyan Singh's government was the essential component needed by the Sangh Parivar for its purposes. Kalyan Singh lived up to the expectations of the Parivar.

170. The attacks on the press

"It is the one great weakness of journalism as a picture of our modern existence, that it must be a picture made up entirely of exceptions. We announce on flaring posters that a man has fallen off a scaffolding. We do not announce on flaring posters that a man has not fallen off a scaffolding. Yet this latter fact is fundamentally more exciting, as indicating that that moving tower of terror and mystery, a man, is still abroad upon the earth. That the man has not fallen off a scaffolding is really more sensational; and it is also some thousand times more common. But journalism cannot reasonably be expected thus to insist upon the permanent miracles. Busy editors cannot be expected to put on their posters, "Mr. Wilkinson Still Safe," or "Mr. Jones, of Worthing, Not Dead Yet." They cannot announce the happiness of mankind at all. They cannot describe all the forks that are not stolen, or all the marriages that are not judiciously dissolved. Hence the complex picture they give of life is of necessity fallacious; they can only represent what is unusual. However democratic they may be, they are only concerned with the minority."

G. K. Chesterton, The Ball and the Cross (1910)

170.1. The press is as much a moderating influence as it is a catalyst for change. The media can influence the minds of the people like no other pillar of modern society; wars can be fought and won or lost without a single shot being fired, just by effectively using the media.

- 170.2. The media was a protagonist in the build up to the events of December 6th, 1992. It was also a victim of the events of the day.
- 170.3. The Sangh Parivar used the media masterfully in its campaign. It has been suggested that the broadcast of television serials of a religious theme was part of the campaign to sensitise the masses and to make religion a burning topic in the Hindu psyche. That may or may not be the case and it would be unwarranted to comment on these farfetched fantastic theories.
- 170.4. A part of the media lent itself willingly to being used throughout the Ayodhya campaign. The inflammatory speeches of the more vocal elements were gleefully reported and sensationalized. The liberalized and newly launched mass media organizations at the time, including private satellite channels stoked the need for ferreting out newsy items which could be reported. These were ideal conditions for a media savvy Parivar to get maximum public exposure and to canvass its agenda – or at least the BJP sanitized version of its agenda – to the entire country. The journalists were equally happy at having access to material which was capable of weaning the masses off the staid government run television networks or the old-school print media.
- 170.5. The media reports of the time, as well as the subsequent political careers of those journalists reveal a clear bias in the press in either direction. The media was polarized and was perceived to be friendly and inimical to the interests of the Parivar. The media managers of the Parivar were conscious of the fact

that while their actions would be projected in a positive light by one section of the media, the other sections were going to be far more critical.

- 170.6. On the 6th of December 1992, the Parivar had made arrangements ostensibly for facilitating access to the disputed site for the media representatives. It is clear from the evidence available with the Commission that all the media representatives had been issued passes which were to enable ingress into the disputed area and access to the leaders who had assembled there. This was an obvious and irresistible bait for the media personnel, who registered themselves to avail of the access and facilities promised.
- 170.7. This issuance of passes admittedly by the Sangh Parivar rather than the State Government also enabled the leadership to have an exact idea of the presence and movement of the media personnel.
- 170.8. It is also established by the evidence on the record that *Karsevaks* attacked the media personnel at the same time as the commencement of the assault on the disputed structure. There was no provocation offered by the media which was sought to be stated as the cause of these attacks. There were some suggestions that the media, in particular a German TV crew had earlier offended the *Karsevaks* by staging humiliating scenes etc. There is little substance in these allegations, and none that can form the basis for justifying the subsequent attacks on December the 6th. Even the top leadership like KS Sudershan went to the other extreme by propounding the imaginative theory about the alleged provocation of karsevaks by a German television crew. It was brought to his attention specifically by a reputed journalist like Mark Tully that journalists

were being beaten up and he gave an assurance that he would bring it to the notice of Ashok Singhal. I cannot conclude other than that he was one of the main authors of the demolition.

170.9. The evidence also shows that the attacks were targeted primarily against journalists who were carrying recording equipment. The cameras, video recorders and the audio recorders were smashed up and even the exposed films and used tapes were systematically destroyed. The intent and effect of these attacks thus become crystal clear.

170.10. The attacks were meant to prevent any video or audio evidence of the participants in the assault and subsequent attacks. It must also be borne in mind that the State Government has not admitted to being in possession of any independent video or audio recordings either. There are extremely few recordings which have surfaced and which have been entered into evidence.

170.11. The attacks were clearly synchronized to prevent the media from being able to authoritatively pinpoint the instigators and the perpetrators and to foreclose the possibility of using their footage to identify the *modus operandi* of the miscreants.

170.12. It would be unsatisfactory to attribute these attacks to the average *Karsevak*. These were preplanned attacks and had been demonstrably assigned to a specialized team of RSS cadre and was coordinated and guided by the effective leadership at the spot.

171. Individual culpability

171.1. For leading the country to the brink of communal discord, this commission finds the following persons culpable

171.1.1. Acharya Dharmendra Dev (*Member, Dharam Sansad*)

171.1.2. Acharya Giriraj Kishore (*Leader, Vishwa Hindu Parishad*)

171.1.3. AK Saran (*I G. security*)

171.1.4. Akhilesh Mehrotra (*Additional Superintendent of Police, Faizabad*)

171.1.5. Ashok Singhal (*Leader, Vishwa Hindu Parishad*)

171.1.6. Ashok Sinha, (*Secretary Tourism*)

171.1.7. AB Vajpayee, (*Leader, Bharatiya Janta Party*)

171.1.8. Badri Prasad Toshniwal (*Leader, Vishwa Hindu Parishad*)

171.1.9. Baikunth Lal Sharma (*Leader, Vishwa Hindu Parishad*)

171.1.10. Bala Sahib Thackeray (*Leader, Shiv Sena*)

171.1.11. BP Singhal (*Leader, Vishwa Hindu Parishad*)

171.1.12. Braham Dutt Divedi (*Revenue Minister, Uttar Pradesh*)

171.1.13. Champat Rai (*Local Construction Manager*)

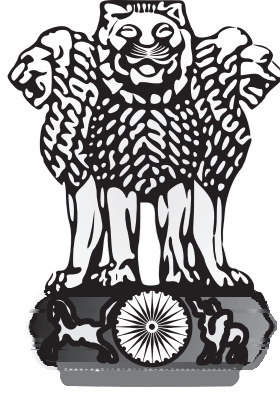
171.1.14. Dau Dayal Khanna (*Leader, Bharatiya Janta Party*)

- 171.1.15. DB Roy (*Senior Superintendent of Police, Faizabad district*)
- 171.1.16. Devraha Baba (*Leader, Sant Samaj*)
- 171.1.17. Gurjan Singh (*Vishva Hindu Parishad, RSS*)
- 171.1.18. GM Lodha (*Leader, BJP*)
- 171.1.19. Govindacharya (*Leader, RSS*)
- 171.1.20. H V Sheshadri (*Leader, Rashtriya Swayamsevak Sangh*)
- 171.1.21. Jai Bhhagwan Goyal, (*Leader, Shiv Sena*)
- 171.1.22. Jai Bhan Singh Pawaria (*Leader, Bajrang Dal Ayodhya*)
- 171.1.23. KS Sudarshan (*Leader, Rashtriya Swayamsevak Sangh*)
- 171.1.24. Kalraj Mishra (*President, Uttar Pradesh unit of Bharatiya Janta Party*)
- 171.1.25. Kalyan Singh (*Chief Minister, Uttar Pradesh*)
- 171.1.26. Khushabhau Thackray (*Leader, RSS*)
- 171.1.27. Lal Ji Tandon (*Energy Minister, Uttar Pradesh*)
- 171.1.28. Lallu Singh Chauhan (*MLA BJP Ayodhya*)
- 171.1.29. Lal Krishan Advani (*Leader, BJP*)
- 171.1.30. Mahant Aavidhyanath (*Leader, Hindu Mahasabha*)
- 171.1.31. Mahant Nritya Gopal Das (*Leader, Ram Janmbhoomi Nyas*)

- 171.1.32. Mahant Paramhans Ram Chander Dass (*Leader, Vishwa Hindu Parishad*)
- 171.1.33. Moreshwar Dinanant Save (*Leader, Shiv Sena*)
- 171.1.34. Morpanth Pingale (*Shiv Sena*)
- 171.1.35. Murli Manohar Joshi (*Leader, BJP*)
- 171.1.36. Om Pratap Singh
- 171.1.37. Onkar Bhava (*Leader, Vishwa Hindu Parishad*)
- 171.1.38. Parmod Mahajan (*Leader, Bharatiya Janta Party*)
- 171.1.39. Parveen Togadia (*Leader, Vishwa Hindu Parishad*)
- 171.1.40. Prabhat Kumar (*Principal secretary home*)
- 171.1.41. Purshottam Narain Singh (*Secretary, VHP*)
- 171.1.42. Rajendra Gupta (*Minister, Uttar Pradesh*)
- 171.1.43. Rajender Singh, Professor *alias* Raju Bhaiyya (*Leader, RSS*)
- 171.1.44. Ram Shankar Agnihotri (*BJP, VHP leader*)
- 171.1.45. Ram Vilas Vedanti (*Leader, Sant Samaj*)
- 171.1.46. RK Gupta (*Finance Minister, Uttar Pradesh*)
- 171.1.47. RN Shrivastava (*District Magistrate, Faizabad*)
- 171.1.48. Sadhivi Ritambra (*Leader, Sant Samaj*)

- 171.1.49. Shanker Singh Vaghela *President Gujarat BJP (Leader, Bharatiya Janta Party)*
- 171.1.50. Satish Pradhan *(Leader, Shiv Sena)*
- 171.1.51. Shri Chander Dixit *(Leader, Bharatiya Janta Party)*
- 171.1.52. Sita Ram Aggarwal
- 171.1.53. SP Gaur, *(Commissioner, Uttar Pradesh)*
- 171.1.54. Sunder Singh Bhandari, *(Leader, Bharatiya Janta Party)*
- 171.1.55. Surya Pertap Sahi, *(State Minister, Uttar Pradesh)*
- 171.1.56. Swami Chinmayanand, *(Leader, Vishwa Hindu Parishad)*
- 171.1.57. Swami Sachidanand Sakshi, *alias Sakshiji Maharaj, (Leader, Bharatiya Janta Party)*
- 171.1.58. SVM Tripathi, *(DGP)*
- 171.1.59. Swami Satmit Ram Ji, *(Leader, Sant Samaj)*
- 171.1.60. Swami Satyanandji, *(Leader, Sant Samaj)*
- 171.1.61. Swami Vam Devji, *(Leader, Sant Samaj)*
- 171.1.62. Uma Bharti, *(Leader, Vishwa Hindu Parishad)*
- 171.1.63. UP Bajpai, *(DIG, Faizabad)*
- 171.1.64. Vijayraje Scindia, *(Leader, Bharatiya Janta Party)*

- 171.1.65. VK Saxena, (*Chief Secretary, Uttar Pradesh*)
- 171.1.66. Vinay Katiyar, (*Leader, Rashtriya Swayamsevak Sangh*)
- 171.1.67. Vishnu Hari Dalmia, (*Leader, Vishwa Hindu Parishad*)
- 171.1.68. Yodh Nath Pandey, (*Leader, Shiv Sena*)



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REPORT OF THE
LIBERHAN
AYODHYA
COMMISSION
OF INQUIRY

CHAPTER 15

RECOMMENDATIONS

172. RECOMMENDATIONS

- 172.1. The constitutional scheme to separate religion from politics was intended to insulate the issues of governance from those of theology. While it may be useful and indeed desirable to import certain aspects of ethics and morality into the political arena, the use of religion, caste or regionalism is a regressive and dangerous trend, capable of alienating people and dividing them into small sections.
- 172.2. The events of December 6th 1992 and the many subsequent events have already shown to the nation the danger and the disruptive potential of allowing the intermixing of religion and politics.
- 172.3. It is imperative therefore for the people, acting through their elected representatives, to undertake an objective study of whether or not the existing constitutional, statutory and institutional safeguards have proven to be efficacious. It seems highly probable from a cursory study of recent affairs that the measures adopted so far have been overly optimistic and have not entirely succeeded in providing secular governance, unaffected and uncoloured by religious or regional affiliations.
- 172.4. It is high time that institutions like the National Integration Council were conferred statutory powers. This or any other similar organization which is set up must call upon the participation of well known and highly regarded leaders of religious communities and social workers from all over the country particularly who are not affiliated with any political party to find ways and

means to implement secularism as envisaged by the constitution. The participants or the ones invited should thereafter be barred from holding any constitutional office or office of profit or public office or from participation in any political activity.

172.5. Political leaders, holders of constitutional offices, offices of profit, public office and especially those holding cabinet positions or other similar positions of responsibility, sometimes simultaneously hold offices in religious organizations, charities and trusts constituted on religious grounds etc. The temptation to allow one's judgment in one sphere to influence opinions in the other is irresistible and easily leads to dissatisfaction and disenchantment in the other sections of the population.

172.6. The extraneous interference in democratic affairs for acquiring political power through criminalisation of political office or mixing of political and religious affairs has become the order of the day.

172.7. A special separate law providing for exemplary punishment for misuse of religion, caste etc. for political gains or illicit acquisition of political or other power ought to be enacted. Regional tribunals for ensuring swift prosecution and effective implementation of the law ought to be set up in the four corners of the country.

172.8. The desirability of establishing a Criminal Justice Commission should be examined which would comprehensively monitor the performance of all law enforcement agencies and apply corrective measures wherever needed.

172.9. The threat from communal violence needs to be dealt with firmly. Specialised investigating squads need to be formed under the state criminal investigation agencies and communal offences or crimes committed during communal riots ought to be vigorously investigated. Governments should not be able to withdraw charges relating to communal riots.

172.10. The Election Commission of India must also ensure that any complaints brought before it by any citizen of the country, of attempts to misuse religious sentiments, or to appeal to voters through the mode of their piety, whether by holding thinly disguised electoral rallies in places of worship, or posing as political supplications to God must result in swift action and possible disqualifications.

172.11. This subject requires the consideration not just of the Parliament of India, but also of religious leaders and statesmen alike. While I cannot prescribe a code of conduct or regulations for the running of the democratic process, I must recommend that the demerger of religion and politics must be studied and implemented at the earliest.

172.12. It is inherently unfair, immoral and legally dubious to hold democracy hostage to religious and casteist blackmail. The separation of state and religion has been debated at great length in every age and has found favour in almost every organised civilized society.

172.13. The Constitution of India is an endorsement of this principle of separation and goes on to clarify in unequivocal terms that the Indian union does not eschew religion or declare an irreligious state.

172.14. The liberties granted to individuals and religious aggregations extend to such activities which can be construed purely for the welfare of the general public, members of that religious aggregation or for preserving and promoting its culture. The intermixing of the two aspects of human social life is neither envisaged nor permitted under the constitution or law.

172.15. The negative covenants specifically bar the state from discriminating against any religious denomination. As a necessary and inescapable corollary, the injunction against state patronage of any religion has to be read within these provisions and has been thus treated ever since the inception of this Constitution.

172.16. The next logical conclusion must therefore be that a government which is formed on the premise of religion or which has religious issues on its political agenda must also be barred. A government which is formed by professing its support to a particular religion or which has a religious issue or purpose as its stated agenda must therefore fall foul of the explicit and implicit proscriptions of the constitution.

172.17. I must therefore recommend and reiterate the views of numerous statesmen that in order to achieve the ideal of a secular state, the incorporation of religious agenda within political manifestos or electoral promises is made an electoral offence and should incur summary disqualification for the individual, or for the political party if such blatant resort to the religious and casteist sentiment is part of the party's substantive poll plank.

172.18. It is my considered recommendation that the Parliament, Legislatures, elected governments and the political parties themselves must rededicate themselves to ensuring a secular India, whether strengthening existing provisions in the Codes of Conduct or in election related laws.

172.19. It is high time that the Parliament constitute an assembly to look into the working of constitution and the short falls observed or noticed in the years since its inception; and to suggest requisite steps for remedying them.

173. Civil Services

173.1. The enforcement of law and the maintenance of order in the society depend upon a responsive, efficient and upright police force and bureaucracy. In present times, the police and the bureaucracy face a crisis of confidence. The general public rightly or wrongly does not trust either as a protector or as an honest enforcer of the laws. This perception is reflected in the appointment of numerous committees and commissions by the Parliament to study and propose reforms. The Law Commission too has examined the various shortcomings which exist in the infrastructure today.

173.2. The efforts of these acknowledged reform experts has been published and presented in a plethora of reports which are available in the public domain. A conspectus of these reports reveals a clear consensus of the ills which plague the current system. The problems which have been documented and widely commented upon include the nexus between the police and the politician or the bureaucrat and the politician, the rampant corruption which exists at the bottom and at the top levels, the stark insensitive and unhelpful nature of the frontline forces, the deplorable state of training and the reliance on brute force rather than scientific investigation techniques. These same reports also present a wide spectrum of solutions from which once again, a common set of suggestions can be distilled.

173.3. Unfortunately, these reports have remained dead letters and the recommendations have not been implemented in a cohesive, systematic and

workable manner. The few attempts at police reforms have been patchy at best and have found resistance not only from within the police forces, but also from the criminal bar as well as some states worried about the implications for the state – union relations.

173.4. I do not wish to reinvent the wheel, nor claim to be an expert on the subject.

However, an exhaustive analysis of the facts and circumstances which resulted in the events of December 6th 1992 in the backdrop of these reports on the policing or bureaucratic system makes it abundantly clear that the failure to take the law enforcement agencies and systems into the 21st century has contributed and continues to contribute to a state of lawlessness.

173.5. The nexus between the politician and the policeman or the bureaucrat needs to be disrupted; the confidence of the common man needs to be restored in the police officer and the administrator. Experts have already written lengthy monographs on the subject and suggested specific changes. We need to ensure that these reforms are undertaken holistically at the earliest.

173.6. Specific offences that have inter-state, national and international dimensions should be declared federal offences and investigated by a special crimes division of the Central Bureau of Investigation, which should function under the administrative control of the Ministry of Home Affairs.

173.7. The problem of a politically and religiously biased civil service and police service is particularly vexatious. The civil servant or police officer who professes or practices closeness to a political or religious leader and who

thereby allows it to colour his objective discharge of duties is an anathema to good governance.

173.8. The root cause of the problem may possibly lie in the very process which is used to recruit these officers. Just as in areas requiring excellence such as the profession of medicine, the profession of governance cannot admit of candidates whose merit is not of proven providence.

173.9. It serves little purpose to squander the skills and talents of a doctor or an engineer by posting them to positions requiring a combination of skills including administration, diplomacy, logic and legal acumen. The civil servants who are posted at the helm of affairs ought to be picked for the skills that they are required to exercise, rather than for completely unrelated academic skills or for casteist or regional basis.

173.10. It is inexplicable how our current system takes the brightest academicians of the country and based only on their *inter se* merit, train them variously as specialists in foreign service, revenue, police, administrative or a veritable spectrum of “lesser” civil services. The aptitude, training, experience and suitability of a particular candidate are of the least concern of the current recruitment process.

173.11. It is also inherently dangerous and unsatisfactory to allow civil servants to seek patronage of political or religious leaders. The *en masse* exodus of civil servants from positions of power after each election is the best evidence of the malaise that affects our system.

173.12. In the first half of their career, most officers fall prey to extraneous influence for securing transfers and postings or other benefits for themselves. In the latter half, the emphasis is equally on finding out and securing a roosting ground for their post-retirement period.

173.13. It is therefore my recommendation that the recruitment into the civil and police services should be extensively revamped and recruitment on the basis of aptitude, education, training and experience should be preferred over recruitment on the basis of academic excellence in unrelated fields.

173.14. It may be particularly useful to conduct periodic exercises of screening the members of the civil and police services to identify and weed out the communal or biased elements.

173.15. I also recommend that the nexus between the politicians, religious leaders, civil servants and the police officers should be disrupted and rooted out. Civil servants ought also to be barred from holding office of profit after their retirement. A tenure policy should be put in place to prevent illegitimate political interference in police and administrative functioning

173.16. Judicial prudence and the fact that I have not been given a mandate on administrative reforms preclude me from giving any concrete recommendations on specific administrative reforms. Be that as it may, the urgent need for reforms to the recruitment, service conditions, service regulations and post-retirement avenues is writ large.

Riot Control

173.17. The police service in India is a state subject predominantly. The same police personnel who are deputed to man police stations and to investigate crimes can often – though not in all cases – be found to be posted on crowd control and riot control duties.

173.18. The provincial armed police, wherever they have been established, were ostensibly attempts to free these specialized personnel from routine jobs and were expected to be trained in preventive and pre-emptive measures.

173.19. The training and equipment given to these forces is woefully inadequate. Bamboo sticks and flimsy sticks offer scanty protection to these forces and pose little deterrent threat to miscreants. The use of lethal force is rightly eschewed in favour of less deadly method which at present predominantly includes rubber bullets or tear gas.

173.20. The crowd control equipment provided to these forces is at best *ad hoc* and home grown or whatever can be locally fabricated. There are few scientifically conducted studies into the efficacy or correct usage of these measures. The training to the peacekeepers is inadequate and equips them neither in the optimum use of whatever material and equipment is available, nor in the conduct which they must adhere to.

173.21. A duty to quell an unruly mob must never be confused with a license to attack, molest or hurt unarmed malcontents or miscreants who may have been whipped up into frenzy by some occurrences or by some vested interests.

173.22. At the same time, the attitude cannot be of all-or-nothing. The riot control officer must not choose only from between an all-out attack or a permissive submission. The riot police must be highly trained to disarm, disperse and render mobs ineffectual without having to resort to objectionable methods.

173.23. What also became painfully obvious was the danger of allowing the guardians of peace to sympathize with miscreants to the extent that they become a part and parcel of the problem instead of the solution. If the sympathies of the men are suspect, the senior officers must replace them immediately by withdrawing them and posting replacement personnel instead. If the senior officers are unable to gauge the emotions and the involvement of their men with the miscreants, the senior officers must be held strictly responsible for their failure.

173.24. Police reforms, in terms of men and equipment, are long overdue. The Indian Police Service has replaced the Imperial Police Service more than half a century ago. The attitude and the methods must also change.

173.25. I recommend the establishment of a centralised riot control constabulary, equipped with modern weapons for crowd control under the control of the Union of India. The deployment of this force should be made by the central government independent of state, under its own supervision. A law enabling the Central Government to take over the administration of a specified

geographical area for the purpose of crowd management or for maintaining or restoring peace, particularly when the State Government itself is unable or unwilling to take action, should be enacted. It should prescribe the duration for which such a takeover over of the administration is possible, subject to strict review by the Parliament. Such a law would be less drastic than the imposition of President's Rule or the dissolution of a legislative assembly.

174. Intelligence agencies

- 174.1. There are any number of intelligence agencies which exist inside India. Each state has a myriad system of gathering human, electronic and communications intelligence. The union government has a larger number of agencies and operatives at work collecting information as well.
- 174.2. The institutional and personal jealousies which abound and which have been extensively written about, by insiders and by experts, prevent the bits and pieces of intelligence from being assembled into usable and actionable information.
- 174.3. There is a strong need today to ensure coordination between the various state and union intelligence agencies, whether they operate within commercial, revenue, police, international or specialized domains.
- 174.4. It is also imperative that the state's or union's intelligence agencies do not become mere appendages of the incumbent government. The use of precious intelligence resources and trained personnel for petty political gains is wholly deplorable and must give way to higher purposes. It is imperative that the state and central intelligence agencies share information and cooperate with each other to ensure the overall welfare of the state and of the people.

175. Centre State relations

- 175.1. It is trite that the state and the Central Government exist for the promotion and welfare of the citizens of the India. No State Government can claim that it acts only for those people born solely within its boundaries or that it will actively discriminate against those who live outside its area. The caveats that accompany the preceding observation are few and imposed only for particular exigencies or to protect a particularly weaker or underprivileged section of society.
- 175.2. The State Governments and the union government occupy and fulfil complementary domains. The goal of either government is the same and the audience it addresses is also the same. There are hardly any reasons for a State Government to treat the union government as an adversary or vice versa. Each has a specific purpose in our constitutional scheme.
- 175.3. Party politics must come to an end upon the swearing of the oath by a legislator. Upon taking oath, a person ought to cease thinking like a party member and instead assume the larger and loftier role of a statesman and a member of the government. The sworn-in ministers and the chief minister are responsible for protecting and upholding the rights even of those who opposed them at the hustings. The incumbent government is not entitled to discriminate against those who belong to other political parties, religions or castes – the proscription is not only moral, but also legal.

- 175.4. The rivalry and adversarial stance adopted by a State Government composed of ministers from one political grouping as against the members of the union government which may be consisting of legislators from a different political party is neither healthy nor warranted.
- 175.5. As members of a single union, the State Governments must therefore trust the union government and expect a reciprocal trust as well.
- 175.6. The bone of contention between states and the union is frequently the allocation of monies and the siting of industrial, power or other projects which can boost the economy of the host state. It is as much incumbent upon the Central Government to dole out its largesse equitably as it is for the State Government not to view each other or each other's domiciles with hostility.
- 175.7. It is therefore my recommendation that a fresh look at inter-state and centre-state relations be undertaken with a view to advance the common good of the people.

176. Religious and cultural sites

- 176.1. In a land as old as India, and with its rich ancient culture and heritage, it is inevitable that each stone and each structure has a story to tell.
- 176.2. Our land has been called the cradle of most religions and for that reason; there is a proliferation of temples and places connected with each religion all around us.
- 176.3. The historical cycles and the rise and fall of each religious movement has also undeniably seen friction between the various communities, religions and regional rulers.
- 176.4. The disputes between various groupings about the provenance of monuments, temples and other structures have survived into this day and age, and like in the case of the Ram Janambhoomi – Babri Masjid issue, are capable of fomenting unnecessary and unwanted trouble and disharmony.
- 176.5. These are however not issues which can be resolved without the participation of experts. The question whether a structure was a temple or a mosque can only be answered by a scientific study by archaeologists, historians and anthropologists.
- 176.6. No politician, jurist or journalist, learned though they may be, can provide a comprehensive answer to such questions and any attempt to hijack the issue can only result in the chaotic consequences which resulted in the events of December 6th 1992.

- 176.7. It is therefore my recommendation that a statutory national commission be composed of acknowledged experts to delve into these questions of the provenance of historical monuments, artefacts etc. and their determination should be deemed to be definitive and final.
- 176.8. There should be no hesitation in associating the finest historians, anthropologists and archaeologists from within and outside the country, and in equipping these experts with the latest and most sophisticated tools in an attempt not only to finally answer the question of the historical legacy of these places, but also to ensure that their findings contribute to harmony and peace between communities, castes and regions.

177. The Press

- 177.1. In his book *On Heroes and Hero Worship*, Thomas Carlyle quoted British politician Edmund Burke who said “*there [were] Three Estates in Parliament; but, in the Reporters' Gallery yonder, there sat a Fourth Estate more important far than they all.*”
- 177.2. The importance and primacy of the media in a free society cannot be denied. However, with the enormous privileges that these chroniclers of history enjoy, they must also be alive to the trust that the common man reposes in them.
- 177.3. Unlike other learned professions like those of doctors or lawyers, the media in India has no professional standards body capable of effectively dealing with yellow journalism. The Press Council of India as it exists today, has no authority to hear complaints from persons aggrieved of questionable reporting and effectively punishing a mischievous journalist.
- 177.4. There is a dire need for a body on the lines of the Medical Council of India or the Bar Council of India which has a permanent tribunal which can entertain and decide complaints against individual members of the press corps or against newspapers, TV or radio channels as also media conglomerates.
- 177.5. I strongly recommend that a statutory body be setup to oversee the media in the country. It is highly desirable that journalists ought to be granted licenses

just like the practitioners of other learned professions and ought to be subject to disciplinary action, including suspension of the rights to work as journalists on grounds of proven professional misconduct.



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REPORT OF THE
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COMMISSION
OF INQUIRY

CHAPTER 16
AFTERWORD

178. AFTERWORD

Man, being the servant and interpreter of Nature, can do and understand so much and so much only as he has observed in fact or in thought of the course of nature. Beyond this he neither knows anything nor can do anything.

Sir Francis Bacon,

Novum Organum (The New Organon) (1620), *Aphorism 1*

178.1. The completion of this report has taken up a great deal more time than anyone anticipated. It has certainly exceeded the time that I thought I would have to spend on it. When I started working on this assignment, I was still a Judge of a High Court. As the holder of a constitutional office, I was constrained by the dignity and the demands of that office, and there were quite a few things that I had to learn and adapt to, as I went along.

178.2. The first was to deal with the intransigent bureaucratic mindset and style of functioning. In order to obtain even the very basic facilities that any commission would require took a huge amount of effort. I had to reluctantly fall back upon using the resources and staff of the Punjab and Haryana High Court in the beginning. Finding space for an office for the commission, the staff and the accommodation for them was in itself a herculean task.

178.3. An Indian Administrative Services officer from Delhi was appointed the Commission's secretary, along with one director also from Delhi. These two

visited Lucknow a number of times for locating and establishing suitable infrastructure, which was provided after an inordinately long period and only after holding a number of personal meetings with the officers. Initially there was no accommodation provided for the staff, no secretarial assistance and not even a registrar.

178.4. An investigating team consisting of officers who at one point of time or the other, were part of CBI investigation team in cases registered after demolition of disputed structure was given by the Union Ministry of Home.

178.5. Assistance was also taken from staff from the High Court of Punjab and Haryana for general service administration. Initially they were sent on deputation co-terminus with the commission, but for the reasons best known to the High Court of Punjab and Haryana, they were withdrawn midway, giving the commission's work yet another jolt. Even the officers, stenographers and the other members of the Commission's staff were never made up to the sanctioned strength. The extensions of time given to the Commission were usually short two-month extensions, hampering the commission's gargantuan task of collating and collecting evidence and information. These short extensions also served to disillusion and dishearten the members of the staff who were therefore not able to contribute their best. The Commission also had to make do with a part-time secretary for quite some time. By the time a secretary became acquainted and conversant with the Commission's work, he would be transferred out.

- 178.6. Even after the basic infrastructure had been put in place, I was unable to immediately embark on this fact finding mission because of the various legal hurdles that the key figures in the enquiry hurled in my path.
- 178.7. On acquiring the office at Lucknow, the Commission held its first meeting for framing of the rules of procedure in order to streamline the functioning. Rules were proposed and objections were invited from the lawyers representing various persons and parties participated. The proposed rules were approved and adopted without any substantive changes or suggestions. The rules which were adopted were in conformity with the principles spelt out by Sir Richard Scott, that the *“Golden rule is that there should be procedure flexibility, the procedure to achieve fairness, tailored to suit the circumstances of each inquiry.”*
- 178.8. The rules of the procedure adopted by the commission were notified on 11th of June 1993. The commission then issued notices for eliciting information and invited affidavits from the general public. Sadly, there were virtually none who came forth to provide any meaning or useful information. Despite repeated advertisements, no relevant information was forthcoming, not even any hearsay evidence or theories. Even the state and the union governments were not forthcoming with relevant records. The commission therefore had to turn to the public figures and request their appearance as witnesses, for the purpose of ascertaining the facts.
- 178.9. Notices were also served on political and non-political parties who had participated in the movement as well as to the Central Government and the

State Government. Subpoenas were issued requiring the presence and testimony of the witnesses and production of evidence relating to the issues under enquiry, through the media and public notices. The Commission also visited the site at Ayodhya.

178.10. The notices issued by the commission were challenged in the High court of Allahabad. The Lucknow bench of that Court found sufficient cause to issue a stay order and thereby halt the process. The stay order read as follows

“In the mean time it is provided that in case petitioner does not opt to file an affidavit or to furnish information in response to notice, under rule 5 of Commission of Enquiry (central) Rules 1972 – shall not be required to do so, nor any inference adverse to him shall be drawn by commission of enquiry. We would like to clarify that proceedings before the commission are not stayed, they may go. This order would also not a bar to the commission in issuing notice under section 8B of commission of enquiry act 1952 if necessary in the mean time.”

178.11. The commission was left grasping for facts and the supporting evidence and faced a blind wall situation. The procedural wrangling and the practical difficulties consumed a major part of the commission’s time.

178.12. The comprehensive issues for enquiry were known to the parties represented. There was no possibility of doubt in the mind of any person that his or her action would be critically examined. All the participant including individuals, organizations, and governments were given an opportunity to file all relevant documents and were allowed to see all the documents filed by others, if they

felt to do so. The commission had nothing to start with, except the White Paper of the Government of India.

178.13. Every person served with notice was initially represented by counsel or other professional support, joined or left the proceedings as and when they liked, with the exception of BB Saxena, KC Tandon, and IB Singh etc.

178.14. Informal requests and even formal orders directing the parties, especially to the Union of India, to petition the Allahabad High Court to vacate the stay order were made. The decade-old stay order has neither been vacated nor modified nor clarified till date and remain operative.

178.15. In the meanwhile various other interim orders of the Commission directing some of the persons who did not have even a stay orders from Allahabad High court, to appear as a witness were stayed by the Delhi High Court, which were vacated only after passage of some years.

178.16. All these stay orders and the various other orders made on challenges to the Commission in High Courts resulted in a long spell of time for the Commission to complete the preliminary task of collecting the evidence.

178.16.1. After much persuasion, the Central Government had started examining its witnesses sporadically and with delays and according to their own convenience and expediency. The Central Government took a number of years to examine a handful of witnesses, whose role was limited just to the security aspects. No attempt was made by the Central Government to examine anybody with respect to their role, facts,

circumstances, environment or ambience generated, conspiracy or a joint common enterprise resulting in demolition.

178.17. The Commission entertained applications from the participants for further information or for time to consider any allegation made throughout the enquiry proceedings. Because of the adjournments on the requests of counsel for the parties, the stay orders passed by the High Courts and the Hon'ble Supreme Court of India from time to time, an opportunity had to be granted to everyone, howsoever late he might have joined the proceedings. A number of governments of the states and the centre changed during the enquiry. The non availability of the prominent leaders and the state and central ministers could not be ensured, despite attempts to persuade them to appear on their own as witnesses or to choose their own convenience and time to appear. Bailable and nonbailable warrants to secure the witnesses' presence had also to be issued. The process took up a substantial part of the time of the commission. A number of elections etc. during the enquiry also consumed a major part of the time; the Commission was under constant pressure to ensure that none used it as a spring board for the elections. All parties had a fair chance to prepare their submissions and even written submissions for which they requested, but none filed with an exception of some who filed slipshod arguments.

178.18. Influential members of the political parties made counter demands and used the issue for political purposes for acquiring power and for self-aggrandisement but also did not make any efforts to help unveil the conspiracy

or assist the commission in its task. They only made tall claims during elections and in the halls of the legislatures.

178.19. In spite of arduous job undertaken by the Commission and despite the many sittings and the stay orders issued by various High Courts, the Central Government and the UP Government could not be persuaded to produce evidence in accordance with the Commission of Enquiry Act 1952. The State did not produce even a single witness nor examined any witness produced in spite of the fact that the highest law officer of the state, i.e. the Advocate General appeared before the Commission from time to time. Not a single theory was either propounded or put forth by the State during the course of Commission's sittings either in the form of affidavit or in the form of examination, cross examination or even a suggestion.

178.20. During the whole course of the proceedings, the Commission had yet to see the State's Counsel ever opening his mouth, except for asking one or two questions from VIPs appearing as witness and that too, only the ones who were from a particular political shade or the Government in power whose Advocate General were representing the state.

178.21. The Commission and its investigation staff examined the witnesses and the affidavits which were filed. Lawyers were permitted to cross examine, in spite of having been changed from time to time by some parties. Witnesses were given full opportunity to clarify any part of their testimony. All the sittings of the Commission were held in public hearing except a few which affected the security of the nation and essential working of the forces. The Commission

has taken care not to interfere in a fair and impartial enquiry against persons served with notices under section 8B of the act. The Commission was fully conscious that testimony recorded would be inadmissible in other subsequent judicial proceedings. The Commission has taken note of various publication published from time to time by various authors. The testimony given before the Commission could not be taken to a logical end. It was impracticable to hold day to day proceedings, the Commissioner being a sitting Judge and later a Chief Justice discharging his judicial functions as such, apart from the non-availability of lawyers for parties for day to day hearing in a lengthy enquiry.

178.22. The commission faced problems with the unavailability of counsel. Whether it was because of the counsels' professional obligations and preoccupations or otherwise, long adjournments had to be granted to accommodate the requests of the advocates representing the various persons. The sittings and the timings of the commission had to be arranged keeping in view the suitability of all.

178.23. HS Riar and Ajai Lamba advocates were initially associated with the commission but left the proceedings in between on the grounds of ill-health. Another counsel JS Rathi except for getting his presence recorded as and when he felt like coming to the commission, rendered no help. Despite the requests and advice given to him, he failed to grasp the objective, method or substance of the commission and the questions referred to it. With the change in the government, he withdrew from the commission, without seeking permission and without even the courtesy of informing me.

- 178.24. At this stage, faced with the lack of legal assistance at the crucial inquisitorial stage and for collecting evidence, I appointed Anupam Gupta as Commission's Counsel with his express assurances of confidentiality and of wholehearted involvement with the commission's mandate.
- 178.25. Initially he came up to the demands of this role and organised the evidence gathering process by examining and cross examining the witnesses who were called. He enthusiastically started discharging the various functions of a Commission's Counsel and conducted himself satisfactorily.
- 178.26. At this time, the Commission was facing various stay orders granted by various High Courts against the summoning of potential witnesses whose presence was felt necessary for collecting the evidence.
- 178.27. In these circumstances, Anupam Gupta started drifting from his role of a Counsel for the Commission. At times, witnesses complained that they felt humiliated at his hands. It became increasingly embarrassing for me to control the proceedings – I was in the unhappy situation of having to ask my own counsel to restrain the wilder flights of his imagination and to refrain from brash and rude conduct. He started examining or cross-examining the witnesses on behalf of the Commission tangentially to the questions referred. He was unable to retain an unbiased and impartial appearance as the Commission's Counsel. His political views and opinions started to overshadow his professional role. He then took to using confidential information and the records produced before the Commission for unauthorised statements to the media; his manners and his comments were full of innuendo.

178.28. After the commission concluded recording the evidence, he was duty bound to analyse and collate the evidence and the records etc. and render advise to the Commission for its conclusions. He reneged from this duty and refused to address the Commission for reasons best known to him. In an application which he filed, he took what he presumed was the moral high ground to state that he did not wish to pre-judge or prejudice the inquiry by assisting the Commission. This application was rejected vide a detailed reasoned order in his presence. Still he assured the Commission that he would submit the written submissions for which purpose he retained the photocopies of the statements of the witnesses, books of the Commission and other original and photocopies of the records and the video and audio cassettes of the Commission; which led me to believe that he would make good on his promise to provide written submissions – which he never did.

178.29. At the end of the day however I am of the opinion that for his own unstated reasons, he committed breach of professional duties and betrayed the trust reposed in him as Commission's Counsel, with the intended or unintended result of forestalling the submission of the Commission's report. Faced with an unhelpful, recalcitrant and unrepentant Counsel, I had to perforce seek the services of another counsel.

178.30. Keeping in view all judicial restraint, decorum and traditions of the legal profession at my command, I can say he proved himself to be unworthy of my confidence and the trust reposed by me in him.

178.31. The gathering of the evidence and the recording of testimony was only one part – albeit an important part – of this Commission's work. The most time

consuming and critical aspect was sifting through the collated statements and the voluminous documentary evidence and to arrive at a concise statement of facts, circumstances and to address the questions which had been referred to the commission.

178.32. It was not felt necessary to give notice of the possible conclusions which the commission might reach in the course of the enquiry. Keeping in mind the procedure set out in the Rules and followed in letter and spirit, showing of critical passages of the report to the persons involved before publication was not possible.

178.33. It was one of the most challenging assignments; determining whether the demolition was directed or encouraged or was a result of conspiracy or a joint common enterprise or a plot of persons at home or abroad. In the process the questions referred required the identification of the persons responsible for the demolition through examination of evidence. The task demanded painstaking appraisal of evidence by the Commission in order to discover the truth.

178.34. Neither the police investigation nor the investigation team of the commission, despite the prolonged process, were able to identify any witness, nor produced any witness who could identify any of the demolishers, or lead any other evidence against suspects. Suspects were not even identified. Even after the unprecedented publicity throughout the long spell of inquiry nobody has come forward to advance the case or identify persons who physically carried out the demolition or the ones who plotted its demolition.

178.35. The task of assessing the evidence by the Commission inherently differs from that of a court conducting criminal trial of the defendant, which is in the nature of an adversarial trial. Commission's job demands not a trial, but an inquisitorial investigation and tests the various theories floating on the touchstone of the reasonable person or probabilities. All the witnesses examined were subject to searching examination, both by the Counsel representing the organizers, political parties and persons participating and the commission, and the commission's counsel. The Commission never functioned as Court presiding over the adversarial trial nor as a prosecutor determined to prove a case, but as a fact finding agency. Inherently, on the principle of rule of necessity, a Commission has to hear other sources of information not admissible in judicial proceedings. It has to obtain information from person or who saw or heard or observed in a process what occurred up to the demolition process was completed. After appraising the evidence, the Commission came to a conclusion that certain persons were likely to come under adverse comments and therefore issued statutory notices as envisaged by Section 8B of the act.

178.36. It is after long delay and persuasion even the records seized by the C.B.I., incomplete cassettes and radio cassettes were produced that too in a slipshod fashion. Number of Governments came and went representing different shades of political thought from BJP to Congress and vice-a-versa, but irrespective of the political executive of the Government at any point of time, went on drifting.

178.37. Important leaders of the political parties, icons of the movement, organizers of the movement continuously issued statements from time to time in the media suiting their needs of time, or expediency, either directly or indirectly relating to the movement, conspiracy for demolition, or relating to the issues referred to the commission, and other matters relating to the commission of enquiry. Even the officers connected or in the know of information have been writing books referring to facts and other information connected with the issues referred to the commission. No affidavit or information was filed before the commission by them. They have been writing even after the decades of the incident.

178.38. An instance is the book written by one Maloy Krishana Dhar, “Open Secrets”. Facts were disclosed in it like bugging of meetings etc. of the leaders or protagonists of the movement. Facts stated in the book were neither affirmed nor denied before the Commission by any agency of Union of India nor any reference has been made by anybody else despite the fact that it was brought to the knowledge of the counsel of the Union of India; apart from the fact that published book was in the knowledge of one and all. No attempt has ever been made to produce the tapes which would have unveiled the conspiracy and the conspirators. The successive change of guard at the centre and in the states failed to elicit any intent or desire to bring these recordings to light.

178.39. The Commission issued notices and summons to the key witnesses as Commission’s Witness, especially the ones whose statement in media came to the notice of the commission. Some of them have appeared voluntarily

before the Commission on receipt of notice, while others challenged the order in the High Court and secured a stay order against their appearance. Persons like LK Advani, Murli Manohar Joshi, and KS Sudarshan appeared voluntarily and gave their statements despite their busy schedule and also cooperated in replying to the relevant and sometimes irrelevant or even the philosophical questions asked by the lawyers, some of them not even relevant to the subject matter of enquiry. It is also because of the time constraints of the witnesses that it took quite some time in their examination.

178.40. Kalyan Singh, a key figure, did not appear initially for a number of years and at every step got stay orders from courts. It is only after a decade he issued a press statement about his knowledge about conspiracy for demolition. On the commission's request he appeared as commission's witness though summoned as a defence witness by some of the persons served with 8B notices, who later used to give him up or he would secure stay orders from courts against his summoning as defence witness.

178.41. Imaginative theories with no sustainable evidence were floated in media and on various other forums. General publicity and comment were published which assumed their guilt in the absence of any believable evidence much less the legal evidence.

178.42. It was expected that all organizations would participate to assist the commission with their knowledge, but none came forward except raising questions in Parliament, or in other forums or issuing press statements. Even when the witnesses were examined on the premises of their press statements

issued by them, they backtracked from the statement issued to the press. They thought it expedient not to take the commission into confidence and tell the truth. The leading instances are Mulayam Singh, Kalyan Singh and many others who stated in press about their knowledge of the conspiracy for the demolition but on oath before the commission denied any such knowledge. Witness even without having any facts to disclose, asserted their conclusions according to the suitability, expediency and convenience or the self-serving interest in politics or otherwise use of the thought.

178.43. Another vexatious issue was that immediately after giving evidence before the commission, some witnesses would do a volte face and give completely contradictory statements to the media.

178.44. The underlying causes of failure to protect the disputed structure or its demolition are more troublesome and potentially more sinister. The impact of incompetence, communalism and the era of collusion or self-serving interest, and dishonest approach to the subject has been the subject of much of the evidence and debate.

178.45. This narrative is not in order to gain sympathy for the task which confronted the Commission, but to indicate that this report is an attempt to distil all that raw material rather than tediously rehear or repeat all that is contained in the transcript and the volumes of documents. They are available, should anybody wish to study and analyse them, and he would be able to do it. Anything other than distillation would result in an unreadable report of inordinate length.

178.46. Except officers who were being prosecuted, with the exception of a few who were in position of power or were wielding power, or those who were involved, some cooperated in the enquiry while some of them made all possible attempt to delay it by securing orders from courts, or evading service of notice, or not appearing on excuses.

178.47. It may been unpleasant experience for those who were subjected to rigorous examination by the commission's Counsel or cross examined by the counsels appearing for the persons. It was unavoidable and was necessary in order that the matter should be thoroughly and sometime brutally laid bare.

178.48. It was claimed that all relevant documents were produced and proper assistance in the conduct of inquiry rendered. Yet at the end of the day I have reason to believe that some things have still been withheld and the records were kept back from the commission. It may be on account of bottlenecks somewhere in the hierarchy of government functioning or because of lack of knowledge of the government or others, as to where those documents were lying, or because of coolness of the officer towards the issue, or sometime intentionally to protect either themselves or their colleagues of their role from scrutiny by the commission.

178.49. I am thankful to all the members of my staff for their cooperation and patience exhibited by them during the course of the recording of the evidence particularly to Dr. Pachauri and A.L. Verma who assisted the Commission in collecting the evidence, providing information from time to time, having

been acquainted with the locals of Ayodhya and the leadership of the Sangh Parivar.

178.50. I must also place on the record my gratitude to Narasimha Rao, LK Advani, Murli Manohar Joshi, VP Singh, Jyoti Basu, KS Sudarshan, Kalyan Singh, DGP Parkash Singh, Kumaramangalam and Home Minister of India SB Chavan, who finally deposed before the Commission voluntarily although they had stay orders from High Courts in their favour.

178.51. I am also thankful to my former secretary, Sudhir Mittal who in addition to his onerous assignment with the Union of India took care of the commission's administration and dealt with the fractured staff. While helping me in winding up the commission's report he was abruptly withdrawn by the Punjab Government on the eve of the completion of this report.

178.52. I cannot restrain myself from observing that attempts were made to scuttle the commission. It is notable that Sudhir Mittal was not allowed to discharge his additional duties as the Secretary to the Commission even though he was stationed at Delhi as the Resident Commissioner of the Punjab Government.

178.53. I am also thankful to my personal staff especially my PS Naresh Sud, Sushil Sachdeva and Rajeev Grover.

178.54. I must also place on my record my gratitude to K. Skandan, part time secretary to the commission who finally became the latest and last addition to the Commission's staff.

178.55. Lastly, I am thankful to Harpreet Singh Giani, who has whole-heartedly spent days and nights over the last one year in helping me analyse the evidence, coming to conclusions and finally not only editing the report but also helping me in adding and modifying language and ideas wherever needed. I believe this herculean task would not have been possible without his devotion and the time he spent to clear the mess created by his predecessors.



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REPORT OF THE
LIBERHAN
AYODHYA
COMMISSION
OF INQUIRY

ANNEXURES

List of witnesses who appeared before the commission

COMMISSION'S WITNESSES

CW 01	Mark Tully, <i>Journalist</i>
CW 02	Praveen Jain, <i>Photojournalist with the Pioneer newspaper</i>
CW 03	PR Kumaramangalam, <i>Union Minister</i>
CW 04	SB Chavan, <i>Union Home Minister</i>
CW 05	BP Singhal, <i>Member VHP, retired Director General of Police</i>
CW 06	Naresh Dayal, <i>Principal Secretary (Home), Uttar Pradesh</i>
CW 07	DB Roy, <i>Senior Superintendent of Police, Faizabad district</i>
CW 08	AK Sharan, <i>Inspector General of Police, Lucknow zone</i>
CW 09	SP Gaur, <i>Commissioner, Faizabad division</i>
CW 10	Acharya Dharmendra Dev, <i>Member, Dharam Sansad</i>
CW 11	Akhilesh Mehrotra, <i>Additional Superintendent of Police, Faizabad</i>
CW 12	NP Sinha, <i>Additional Director General of Police (Int. and Security), Uttar Pradesh</i>
CW 13	VK Saxena, <i>Chief Secretary, Uttar Pradesh</i>

CW 14	Prakash Singh, <i>Former Director General of Police, Uttar Pradesh</i>
CW 15	SVM Tripathi, <i>Director General of Police, Uttar Pradesh</i>
CW 16	Prabhat Kumar, <i>Principal Secretary (Home), Uttar Pradesh</i>
CW 17	Uma Bharti, <i>BJP leader</i>
CW 18	KS Sudarshan, <i>RSS leader</i>
CW 19	Jyoti Basu, <i>CPI(M) leader, member of the National Integration Council</i>
CW 20	Sanjay Kaw, <i>Reporter, Statesman newspaper</i>
CW 21	Nirmala Deshpande, <i>Leader, Akhil Bharatiya Rachnatamak Samaj</i>
CW 22	Murli Manohar Joshi, <i>President, Bharatiya Janta Party, member of the Rajya Sabha</i>
CW 23	LK Advani, <i>Leader, Bharatiya Janta Party</i>
CW 24	Ruchira Gupta, <i>Political Correspondent, Business India magazine</i>
CW 25	Vinay Katyar, <i>Member of Parliament, Bharatiya Janta Party</i>
CW 26	Moreshwar Dinanath Save, <i>Leader, Shiv Sena</i>
CW 27	Vishnu Hari Dalmia, <i>President, Vishwa Hindu Parishad</i>
CW 28	Acharya Giriraj Kishore, <i>Leader, Vishwa Hindu Parishad</i>
CW 29	VP Singh, <i>Former Prime Minister, leader of Janta Dal</i>
CW 30	RN Srivastava, <i>District Magistrate, Faizabad</i>

CW 31	Mahant Avidyanath, <i>Leader, Hindu Mahasabha</i>
CW 32	Kalyan Singh, <i>the then Chief Minister, Uttar Pradesh</i>
XW 01	PV Narasimha Rao, <i>Prime Minister of India</i>

CENTRAL GOVERNMENT'S WITNESSES

CGW 01	Arvind Verma, <i>Commissioner Faizabad Division after 7.December.1992</i>
CGW 02	Tej Shankar, <i>Supreme Court's observer in Ayodhya</i>
CGW 03	Rajendra Kumar Swami, <i>Deputy Commandant, 76th Battalion, CRPF</i>
CGW 04	PN Shukla, <i>In-charge, Ram Janambhoomi Police Station</i>
CGW 05	Mrityunjay Kumar Jha, <i>Correspondent, Newstrack Video Magazine</i>
CGW 06	Seema Chishti, <i>Correspondent, Hindustan Times newspaper</i>
CGW 07	JS Bisht, <i>Commandant, 76th Battalion, CRPF</i>
CGW 08	Anju Gupta, <i>Security Officer attached to LK Advani</i>
CGW 09	Suman Gupta, <i>Reporter, Jan Morcha</i>
CGW 10	Peeyush Srivastava, <i>Circle Officer, Ayodhya</i>
CGW 11	Vikram Chandra, <i>Journalist, Newstrack</i>
CGW 12	Mewa Ram Tripathi, <i>Radio Station Officer</i>
CGW 13	Mewa Lal Sonkar, <i>Radio Station Officer</i>
CGW 14	CD Kainth, <i>Inspector General, PAC</i>
CGW 15	Ram Lal, <i>Deployed for security at the Chabutra on December 6th</i>

CGW 16	OPS Malik, <i>DIG, CRPF</i>
CGW 17	Kumkum Chadha, <i>Journalist, Hindustan Times</i>
CGW 18	Narendran Guddawali, <i>Cameraman, Newstrack</i>
CGW 19	Rakesh Sinha, <i>Staff Reporter, Indian Express</i>
CGW 20	Obedulla Nasir, <i>Reporter, Kaumi Awaz</i>
CGW 21	PN Ramakrishnan, <i>Additional DIG, CRPF</i>
CGW 22	Naiyyar Ziadi, <i>Photographer, Kaumi Awaz</i>
CGW 23	SC Chaube, <i>IG, CRPF</i>
CGW 24	Raman Kripal, <i>Journalist, Link</i>
CGW 25	Suresh Dwivedi, <i>Special Correspondent, Maya</i>
CGW 26	Vijay Kumar, <i>Circulating inspector, Patriot newspaper</i>
CGW 27	Ashok Malik, <i>Journalist</i>
CGW 28	Narinder Srivastava, <i>Correspondent, UNI</i>
CGW 29	Ajay Kumar Singh, <i>Officer-in-charge, MP Cell, CM Office</i>
CGW 30	Shamsher Singh, <i>Inspector, CBI</i>
CGW 31	RC Agarwal, <i>Deputy Director (Operations) CRPF</i>
CGW 32	NC Padhi, <i>Joint Director IB</i>

CGW 33	Ashok Mishra, <i>General Secretary, Yuva Janta Dal, District Faizabad</i>
CGW 34	Surendra Kumar Yadav, <i>Journalist, Northern India Patrika</i>
CGW 35	SNM Abdi, <i>Bureau Chief, Illustrated weekly</i>
CGW 36	RK Wadhera, <i>DG, ITBP</i>
CGW 37	Atul Nigam, <i>Senior Correspondent, Aaj</i>
CGW 38	Abdul Hakim, <i>Resident of Ayodhya</i>
CGW 39	Amitabh Agnihotri, <i>Special Correspondent, Aaj</i>
CGW 40	Sharat Chandra Pradhan, <i>Journalist, Sunday magazine</i>
CGW 41	Harkrishan Arora, <i>Bureau incharge, Rashtriya Sahara</i>
CGW 42	Gopal Sharma, <i>Journalist, Statesman</i>
CGW 43	Hemant Kumar Vishnoi, <i>Journalist, Navbharat Times</i>
CGW 44	Mohd. Kasim Ansari, <i>Resident of Ayodhya</i>
CGW 45	Mobinullah, <i>Resident of Ayodhya</i>
CGW 46	Mohd. Subrati, <i>Resident of Ayodhya</i>
CGW 47	Shekh Jumman, <i>Resident of Ayodhya</i>
CGW 48	OM Gupta, <i>Journalist, Swatantra Bharat</i>
CGW 49	CK Mishra, <i>Journalist, Jan Morcha</i>

CGW 50	Harish Dubey, <i>Journalist, Dainik Aaz</i>
CGW 51	Pramod Bhardwaj, <i>Journalist, Dainik Bhasker</i>
CGW 52	Arvind Narayan Das, <i>Editor – Research, Times of India</i>
CGW 53	Ganga Prasad Tewari, <i>Sub Inspector</i>

DEFENCE WITNESSES

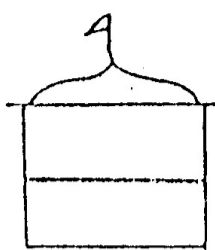
DW 01	RN Katheria, <i>Commandant, 30th Battalion, Gonda, Uttar Pradesh</i>
DW 02	Din Dayal Gupta, <i>ADM Civil Supplies and Protocol</i>
DW 03	Arjan Singh, <i>Union Cabinet Minister, Union Human Resource and Development</i>
DW 04	Rajiv Shukla, <i>Journalist</i>
DW 05	JD Puri, <i>Officer on Special Duty (Home), Uttar Pradesh</i>
DW 06	Sudhakar Adeeb, <i>City Magistrate and In-Charge of law and order in Faizabad City</i>
DW 07	Shekhar Aggarwal, <i>Special Secretary, Home Department, Uttar Pradesh</i>
DW 08	Swami Sachidanand Sakshi, <i>alias Sakshiji Maharaj, BJP Member of Parliament, Acharya of the Nirmal Panchayati Akhara, Haridwar</i>
DW 09	Ashok Singhal, <i>Leader, Vishwa Hindu Parishad</i>
DW 10	Kalraj Mishra, <i>President, Uttar Pradesh unit of Bharatiya Janta Party</i>
DW 11	Mahant Paramhans Ramchander Das, <i>President, Ram Janambhoomi Nyas</i>
DW 12	Mulayam Singh Yadav, <i>Former Chief Minister, Uttar Pradesh</i>
DW 13	Madhav Godbole, <i>Union Home Secretary</i>

DW 14 Syed Shahabuddin, *Convener, Babri Masjid Coordination Action
Committee*

THE SITE OF RAM JANAMBHUMI/BABRI MASJID-COMPLEX AYODHYA FAIZABAD, U.P.

SCALE 1 cm. = 5 metre

0 5.0 10.0 15.0 20.0 25.0 METRE
2.5

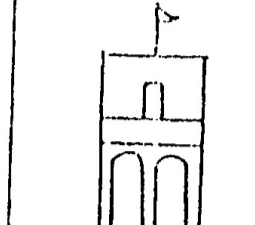


SITA RASONYEE TEMPLE



TO VED TEMPLE

TO HANUMAN GARHI

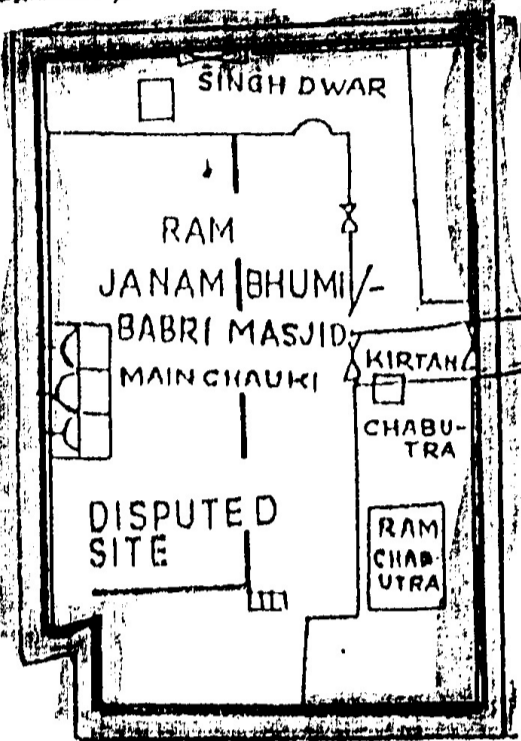


RAMCHARIT MANAS TRUST

WAY TO DURAH KUWAN

5.0 M

5.50 METRE



GATE

189.0 Metre

GATE

147.30 Metre

Ex 15/3

Chairman
15/2000

LEGEND

- ISOLATION CORDON
- INNER CORDON
- CONSTRUCTED SECURITY WALL
- BARRIERS
- FLEXIBLE BARRICADING
- BARRICADING DONE FOR SPECIALLY 6-XII-1992
- GANGWAYS FOR DEVOTEES

GATE

WATCH TOWER

SHESHWATAR TEMPLE SITE

111.0 Metre

Outer Cordon

Inner Cordon

Isolation Cordon

